September 3, 1965

Mr. Gerald Dickler Hall, Casey, Dickler and Howley 122 East 42nd Street New York, New York 10017

Dear Mr. Dickler:

Enclosed please find our check for UNFINISHED BUSINESS made out to The Estate of Stuart Davis, together with the corresponding Purchase Slip.

As you know, the painting MUSIC HALL, which was originally delivered in June of 1964, was returned to Mrs. Davis on March 4, 1965. We have her receipt. The reason for the return was that the painting needs restoration. When it is in good condition the price should be between \$5000, and \$6000. However, if you want to sustain our original plan of marking them at the lower figure based on the existing condition, I will be glad to send you a separate note with a figure of \$3000., but will not do so until I hear from you.

The print situation remains as is because our regular bookkeeper will not return for about two or three more weeks and Mrs. Rosenstein, who was good enough to give us a hand, also could not locate the early records. Shortly after we reopen the Gallery and I am well enough and have had a short vacation to recuperate from the ghastly experience of moving and installation, I will make a personal survey of the print situation. Incidentally, those that have checked in somitted a payment made on May 3, 1955 for a print entitled ARCH, sold to Nebrasks. The figure was \$17.50.

7

Sincerely yours,

BOH/tm

C: Mes. Roselle Davis

Prior to publishing information regarding a researchers are responsible for obtaining we from both artist and purchaser involved. If established after a reasonable search which purchaser is living, it can be assumed that to may be published 60 years after the date of

ERNEST BROWN & PHILLIPS LTD

DIRECTORS:
OLIVBE P. DROWN, O.B.E.
PATRICK L. PRILLIPS
MICHOLAS E. DROWN
B. C. PRILLIPS



TELEPHONE: MAYPAIR 1159 . TRIEGRAMS: AUDAY AUDIBY LONDON . CARLES: AUDAX LONDON WI

NEB/JCO

15th September, 1965

Mr. Tracy Miller, The Downtown Gallery, 465 Park Avenue, New York, N.Y. 10022.

Dear Mr. Miller,

Thank you for your letter of September 9th. We acted very quickly on the Weber "Rush hour" and the O'Keeffe "Red and green", but the Zorach painting "Pelican cage, Central Park", will follow very shortly. Our shippers have already been given instructions.

I am enclosing a complete set of press cuttings plus the B.B.C. script of "The Critics" programme for Mrs. Halpert. She will see that in spite of the lack of business, the press coverage of the show was very satisfactory.

Do give her our best regards, and please let us know whether she is better.

Yours sincerely,

1. De. 1

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WESTERN UNION

TELEGRAM

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EDITH GREGOR HALPERT, THE DOWNTOWN GALLERY

465 PARK AVE MYK

SINGEREST BEST-WISHES TO YOU PERSONALLY AND YOUR MAGNIFICANT DOWNTOWN

GALLERY SORRY MISSING OPENING SEE YOU SOON

PATSY AND RAY MASHER

(25).

for to publishing information regarding sales transaction searchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or cohaser is living, it can be assumed that the information by be published 50 years after the date of sale.

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DE LLUGGA FO DETROIT HIGH 7 1244P ESTHRS EDITH & HALPERT, DOWN TOWN GALLERY
465 PARK AVE RITZ TOWER CONCOURSE NYK
SORRY CANT CELEBRATE WITH YOU ALL GOOD WISHES AND LOVE
BARBARA AND LARRY FLEISCHMAN
(49)

rior to publishing information regarding sales transactions, meanthers are responsible for obtaining written permission om both artist and purchaser involved. If it cannot be rabblished after a reasonable search whether an artist or archaser is living, it can be assumed that the information my be published 60 years after the dete of sale.

e to publishing information regarding sales transactions, archem are responsible for obtaining written permission to both artist and purchaser involved. If it cannot be blished after a reasonable sourch whether an artist or these is living, it can be assumed that the information be published 60 years after the date of sale.

mrs. james a. roemer

Mr. James W. Smith B. S. McCarm and Son. Inc. 630 Fifth Avenue New York, New York

Deer Mr. Smithe

The cleaning and polishing of the floor here at the Gallery was completed this afternoon. The ceiling however still remains to be done and it is imperative that it be finished immediately. The Gallery is open to the press this week and many members of the press have been in already. Since the workmen were to have been here yesterday, would you have them come in at once and please remind them to bring dropoloths with them in order to preserve the finish on the floor.

Thank you for your prompt attention in this metter.

Simprely,

Robert J. Grode

R.30. -

9/13/65

he arrived from from a there week vacation a buying trip to find your imitation and announcement. Upler awardery the west for so long, it was a double desippointment to have missed it.

Jack joins me in wishing you "muches may de " in your new home a gallery.

Ford weeks from us both -

dealers. The defendant has publicly announced that works of art sold, exposed for sale or offered for sale will be subject to Regulation 49 and that he intends to enforce the regulation against art dealers.

THE PLEADINGS

The <u>complaint</u>, after identifying the parties, alleges the promulgation of Regulation 49 and the intention of defendant to enforce that regulation against art dealers. It asserts that the regulation was issued by defendant in violation of law and without jurisdiction; and that if valid at all, it may be applied only to commodities which are sold in public markets or by weight or measure.

It is alleged that the plaintiff dealers do not sell or offer for sale their works of fine arts in public markets or by weight or measure; and that application of the regulation to art dealers would cause serious interference with their business and substantial injury which cannot be justified by the exercise of any of the powers granted by law to defendant Commissioner.

The complaint seeks a judgment declaring that the regulation is void, or in the alternative, that it is inapplicable to the business of the plaintiff dealers and

September 2, 1965

Mrs. Edith Halpert The Downtown Gallery 465 Park Avenue New York, New York

Dear Mrs. Halpert:

I have just received your invitation to your Housewarming Party and Exhibition Preview at your new location. Unfortunately, it is impossible for me to be in New York at that time, but I send you my warmest contratulations and every good wish for a successful future on Park Avenue.

With kindest regards,

Miniel O. Ruggel

Sincerely,

Merrill C. Rueppel

Director

MCR: cr

rior to publishing information regarding sales transactions, searchers are responsible for obtaining written permission on both artist and purchases involved. If it cannot be stablished after a reasonable search whether an artist or species is living, it can be assumed that the information my be published 60 years after the date of sale.



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EDITH MALRERT, DOWNTOWN GALLERY

465 PARK AVE NYK

OUR BEST WISHES FOR CONTINUED SUCCESS. WIS WE COULD BE WITH

CAROL AND BOB STRAUS

SEP 7 AM 11 13

researchers are responsible for obtaining written permission run both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or archaeer is living, it can be assumed that the information may be published 50 years after the date of sale.

444 MADISON AVENUE NEW YORK, N.Y 10022 HA1-1234



Sept. 13, 1965

Dear Mrs. Halpert:

Thank you again for letting Stove Oberbeck and me visit with you for such a nice long interview. We wish you all the bout in your new gallery.

Sincerely,

Ann Ray Martin

rescurctors are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is fiving, it can be assumed that the information may be published 60 years after the date of sale.

searchers are responsible for obtaining written permission both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or relucer is living, it can be assumed that the information ay be published 50 years after the date of sale.

70 John

September 14, 1965

Mr. I. Michael Danoff Box 266 North Carolina Wesleyan College Rocky Mount, North Carolina

Dear Mr. Danoff:

Thank you for your letter, which was forwarded to us by the Midtown Galleries.

Yes, we are the sole agents for Ben Shahn and have a cross-section of all his work, including paintings, drawings and graphics. Unfortunately, we have no catalog of the latter, but I am enclosing a price list of the prints which are now available, some of which are limited to one or two remaining examples. As we have moved to our new quarters just recently and although we opened last week, our stock room is not completely organized as yet, but I will ascertain whether we still have a copy of THE ALPHABET OF CREATION and will advise you accordingly.

If you would prefer to wait until your forthcoming visit, I can arrange to set aside examples of the prints of which the edition is almost entirely sold out, so that you may have a complete selection from which to choose.

The Gallery is open Tuesday through Saturday weekly, but I would suggest that you use the enclosed card, which we are issuing to our clients and friends so that you may come in at your convenience.

Sincerely yours,

rior to publishing information regarding written permission sugarchers are responsible for obtaining written permission rum both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or inchaser is living, it can be assemed that the information sy be published 60 years after the date of sale.

Saturday Sept 4

Dear mes Sarry that we will be unable to attend
the faity and furiew of
your new location on

Letter 1 7 th We are

Mrs. Arthur H. Goodman

The dear Miss Dalpert
live accept with

thanks your Kind montation

to your House warming

Party. Stucerely—

Stan Goodman Mrs.Arthur H.Goodman

CLASS OF SERVICE

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WESTERN UNION

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EDITH HALPERT, THE BOUNTOWN GALLERY
RITZ TOWERS CONCOURSE PARK AVE AND 57 ST NYK
CONGRATULATIONS AND SUCCESS. SORRY WE CANNOT BE AT THE OP
ALL IS WELL HERE
DILL AND MARGNERITE ZORACH
(03).

controbers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or urchaser is living, it can be assumed that the information asy be published 60 years after the date of sale.

RICHARD EVANS, II P. O. Box 458 Johnstown, New York

Mr. and Mrs. Richard Evans II regret your kind invitation to the opening of your Gallery on Tuesday, September 7, 1965.

nor to publishing afformat outrogering later tennessions, searchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or archaeser is living, it can be seemed that the information my be published 60 years after the date of sale.

GEORGE L. K. MORRIS LENOX, MASS.

M.+ Mrs. Surge L-K. Morris

accept with pleasure

the kind invitation of

Mrs. Edith Sugar Halfert

for Tuesday, Sept. 7th

Beginning September 1, 1965, I assumed duties as Curator, Joslyn Art Museum, Omaha, Nebraska.

My office address is:

Joslyn Art Museum 2218 Dodge Street Omaha, Nebraska 68102

residence address is:

5111 Dodge Street Omaha, Nebraska

William A. Mc Gonagle

TELEGRAM 9/15/65

MR. KONICHI NIPPON EXPRESS 41-37 24TH STREET LONG ISLAND CITY, N.Y.

RECEIVED WORD KUNIYOSHI EXHIBITION ARRIVING RETURN FROM NIHONBASHI.
PLEASE HANDLE THIS TRANSACTION. UNPACK BEFORE DELIVERY HERE.

EDITH HALPERT, DOWNTOWN GALLERY

Montrelia

for to publishing information regarding sales transactions, searchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or archaner is fiving, it can be assumed that the information sy be published for years after the date of sale.

September 1, 1965

Miss Kay P. Angelides Elementary Art Department Gins and Company Statler Building Boston, Massachusetts

Dear Miss Angelides:

This will serve as permission to reproduce Charles Sheeler's painting, "The Golden Gate" in your grade eight textbook. Of course, it is understood that this permission applies CMLY to the volume mentioned above.

Thank you for your attention in this matter.

Sincerely,

SOH:rg oc/Wiss Lynne S. Mayo, Metropolitan Massum of Art, New York.

Prior to publishing information regarding sales transactions, researchest are responsible for obtaining written permission from both artist and purchases involved. If it cannot be established after a reasonable sound whether an artist or purchases is living, it can be assumed that the information may be published 60 years after the date of sale.

Dear Edich:
Sorry ur loved not he borth you as Inerday, we we was en route from Washington. D.C. having mannec of a grand-nice.
We lost forward to

STEVEN N. KAUFMANN

Edith Pour -

Jos Ben in and out of four works - and was hoping to be able to be with men for mile. Unfortunately an emelying areae and I wouldn't make

IV. Plaintiffs are Entitled to a Preliminary Injunction

Mr. Thaw's affidavit shows that works of art lose their desirability to many prospective purchasers when their prices become widely known. For this reason, immediate and irreparable injury would be caused by required public disclosure of the price of all art works offered for sale. The effect of Regulation 49 would be a serious disruption of the New York art market as it has existed for many years.

It cannot be said, on the other hand, that any injury to the City or to the public would be caused by the issuance of a temporary injunction. The opposing affidavit makes no effort to show that there is any immediate need for the enforcement of the Commissioner's drastic regulation. What is sought here is merely the maintenance of the status quo pending determination of the serious issue of law which is presented. The situation is a particularly appropriate one for the grant of a preliminary injunction.

The motion should be granted.

Respectfully submitted,
ROSENMAN COLIN KAYE PETSCHEK
& FREUND
Attorneys for Plaintiffs

Ralph F. Colin Ambrose Doskow Joseph W. Gelb

Of Counsel

each is living, it can be selected that the into published 60 years after the dute of sale.

SMITHSONIAN INSTITUTION NATIONAL PORTRAIT GALLERY WASHINGTON, D.C. 20560

September 1, 1965

Mrs. Edith Gregor Halpert The Dowtown Gallery 465 Park Avenue New York City, New York

Dear Edith:

Many thanks for the invitation -- Lucie and I will be there on the seventh and meanwhile send affectionate remembrances as always.

Even sincerely yours.

Charles Nagel

Director

September 15, 1965

Mrs, Alan J. Hilton Friends of Art Colby College Waterville, Maine

Dear Mrs. Hilton:

Mrs. Halpert has asked me to tell you that shee is very sorry to have to decline your kind invitation for September 24th.

As we have just opened the Gallery in our new quarters, it is impossible for her to get away just now.

Sincerely yours,

Tracy Miller, Secretary to Mrs. Halpert their desire to "charge what the traffic will bear" or to "engage in cutthroat competition", but upon their conviction that it would cause them irreparable injury by arbitrarily requiring a change in long standing and entirely legitimate methods of doing business.

The affidavit of Eugene V. Thaw, President of one of the plaintiff dealers, describes the nature of the art business and shows specifically how enforcement of the regulation would injuriously affect not only dealers, but also artists and collectors. Mr. Thaw states that he does not display or publicly announce the price of any work which he offers for sale, and that he always feels free to decline to quote prices. He shows that most purchasers do not wish to have known the price which they have paid for a work; that he sells many works to dealers who expect to resell them at a profit; and that the ability to tell a purchaser that the price has not been quoted to others is often of great assistance in making a sale. Further, Mr. Thaw refers to the number of complex factors which enter into the quotation of a price and which make it impractical to place a price tag on each work. He refers to the free public exhibitions presented by the art galleries which bring a number of inquiries from those who are curious about price but have no thought FROM: Woody Kepner Associates, Inc. 3361 S. W. 3rd Ave., Miami, Fla.

Phone FR 3-4765

FOR: GALLERY CATALOGUE

BEN SHAHN, Wast Thou There?, 51 3/4 X 42, gouache and gold leaf, 1964. (Quotation from Job, Chap. 38: 4-7.)

Ben Shehn was born in Russia in 1898 and came to the U.S. in 1906. He studied biology at New York University and City College of New York before turning to art at the National Academy of Design. During the 1920s he traveled in Europe and North Africa. In 1958 he designed ballets: USA, for the Festival of Two Worlds, Spoleto, Italy, and in 1960 visited Japan. Prior to World War II he was photographer and designer for Farm Security Adminstration. During the war he designed posters for Office of War Information. The artist resides in Roosevelt, N.J., where he is a councilman.

Shahn's numerous awards have included: Gold Medal, National Institute; W. A. Clark Prize, Corcoran Gallery; 1958 Institute Medal, American Institute of Graphic Art; Temple Gold Medal and others.

He staged one-man shows at Leicester Galleries, London, National Institute and Academy of Arts and Letters; Dartmouth College and others, including retrospectives at Stedelijk Museum, Amsterdam (and circuit), Museum of Modern Art (New York) and Institute of Modern Art (Boston). His work is represented in the collections of many of America's leading museums, galleries, libraries and universities, and his murals include those at the Social Security Building (Washington, D.C.) and others.

THE DOWNTOWN GALLERY

EDITH GREGOR HALPERT, Director by appointment only 465 PARK AVENUE NEW YORK, N. Y. 10022 Telephone: Plaza 3-3707

September 11, 1965

Mr. Joshua Kligerman Collectors Gallery Inc. 590 N. B. 79th Street Miami, Florida

Dear Mr. Kligerman:

The information on the paintings of which photographs are enclosed appears below:

Georgia O'Keeffe Piece of Wood #2 1942 \$5,000. - 24120

Abraham Rattner Figures of the Night \$5,000. - 3 5 x 46 (Genocide Series)
1963

Wast Thou There? 1964 \$10.00

\$10,000. - 5134x 42

Other pertinent data will be found on the reverse side of each print.

As soon as we can have access to our files we will try to locate photographs of the artists as well as the additions to the biographical notes. We will expedite this.

Sincerely.

EGH:rg

DAVIS + DOVE - KUNIYOSHI - MORRIS + OSBORN - ZATINER + SHARN - SHERLER + SPENCER - STORES + WERER + ZORACH + HARMETT BRODERSON + DEMUTH - DOI - DOLE + HARTLEY - MARIN + O'KREFFE - OTTEREN + PRICE + STASACK + STELLA - TSENG YU-HO Prior to publishing information regarding sales transactions, researchers are temporable for obtaining written permission from both artist and purchases involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information parchaser is living, it can be assumed that the information parchase published 60 years after the date of sale.

COLUMBIA MUSEUM of ART

Senate & Bull Streets, Columbia. South Carolina 29201 John Richard Craft Director

September 2, 1965

Mrs. Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York 10022

Dear Edith:

Please accept our appreciation for your invitation to the "Housewarming Party and Exhibition Preview" in your new Ritz Tower establishment.

Though I am very much afraid that our own season opening will not permit my being present in New York that Tuesday, September 7th, from 5:00 to 8:00 p.m., I send you every best wish and shall look forward to visiting the new Downtown Gallery on my next trip.

cordially yours,

John Richard Craft

Director

JRC/sac

Sorontown Fallery
465 Park ave
Then York Mey
10022

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occarches are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be catablished after a reasonable search whether an artist or urchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

September 14, 1965

Mr. John L. Wehle, President The Genesee Brewing Co., Inc. Rochester 5, New York

Dear Mr. Wehle:

Your letter has just been forwarded to me. Unfortunately, the name of the new museum is so similar to ours - The American Folk Art Gallery, established 1929 - that mail gets confused under the circumstances, just as in the case of the Museum of Modern Art and the Gallery of Modern Art.

The COW in the Detroit Institute was acquired through this Gallery many years ago. As a matter of fact, we organized a large exhibition of Folk Art in Detroit in 1932 and made up a large portion of the Williamsburg Collection of Folk Art and many other museums throughout the country. However, we still have an excellent selection of weathervanes, including a variety of animals and birds. However, I doubt whether we have anything quite as large as the dimensions you list. As a matter of fact, there were very few vanes made originally ranging up to six feet in size. However, if you plan to be in New York any time in the near future, I will be very glad to show you a trade sign of a horse, which can be mounted as a vane, but this is two-dimensional, cut in sheet iron. In any event, I am sure that you will find something suitable if and when you have the opportunity of making a personal visit. As we are open by appointment, may I suggest that you take with you the enclosed admission card, which we issue in lieu of a membership card.

Sincerely yours,

BOH/tm

Prior to publishing information regarding sales transactions, resourchers are responsible for obtaining written permission from both artist and porchases involved. If it cannot be established after a reasonable sourch whether an artist or purchases is living, it can be assumed that the information purchases is living, it can be assumed that the information

ART DEALERS ASSOCIATION OF AMERICA, INC. 575 Madison Avenue New York 22, N. Y.

September 15, 1965

Mrs. Edith G. Halpert Downtown Gallery 465 Park Avenue New York, New York

> Re: Art Dealers Association of America, Inc. et al v. Albert S. Pacetta, as Commissioner of Public Markets of the City of New York

Dear Edith:

Since you are one of the plaintiffs in the above action, I thought you would be interested in the enclosed copy of our brief which was filed at the argument before Judge Gellinoff this morning. No decision was made from the bench and the Court took the matter under advisement.

I will inform you as soon as a decision is rendered.

Sincerely yours,

Ralph F. Colin Administrative Vice President

RFC: ji A735-1 Encl.

CONFIRMATION OF ORDER for GUARD SERVICE

This is NOT a bill

Pinkerton's, inc.

Address: 100 Church Street

New York, New York

Telephone:

BEekman 3-3144

Date:

September 3, 1965

To: Mr. Tracy Miller
Downtown Gallery
465 Park Avenue
New York, New York

SERVICE AUTHORIZED

This will confirm your request for one (1) uniformed unarmed guard to report to you at the Ritz Tower, 465 Park Avenue, New York, New York, on Tuesday, September 7, 1965 at 4:30 PM to dismissal.

Rate: \$3.00 per hour per guard assigned. A minimum of eight (8) hours per guard will be charged per day.

In addition, when indicated below charges shall be made for:

Expenses, as follows: None

Travel time, as follows: None

Service ordered in addition to the above will be rendered under the same terms and conditions.

Bills payable upon presentation.

- -

Ru

S. H. R. DE SAN,

Form 71A Printed in U.S. A.

rior to publishing information regarding sales transactions, escarchers are respectable for obtaining written permission rom both artist and purchaser involved. If it cannot be stabilished after a reasonable sourch whether an artist or urchaser is living, it can be assumed that the information may be published 60 years after the date of cale.

ATO2 CC 4L NL PD NEWYORK MY SEP 6 1965

MRS EDITH GREGOR HALPERT

465 PARK AVE NYK

MY THANKS AND REGRETS UNABLE TO ATTEND YOUR HOUSE WARMING CONGRATULATIONS AND BEST WISHES FOR YOUR HAPPINESS AND SUCCESS IN YOUR NEW GALLERY MY WARMEST REGARDS TO YOU AND YOUR STAFF JOSEPH FRETWELL

930P

tion to publishing information regarding sales transaction essentiars are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or surchaser is living, it can be assumed that the information by be published 60 years after the date of sale.

Frank E. Hurd & Associates

INVESTMENTS
9640 SANTA MONICA BOULEVARD
BEVERLY HILLS, CALIFORNIA
CRESTVIEW 4-9165 * BRADSHAW 2-3129

NEW YORK 39 BROADWAY NEW YORK 6, NEW YORK

NEW ADDRESS
Wilshire Triangle Center 515
Wilshire Rhd., Suite 90212
9777 Wilshire California 90212

September 14, 1965

Mrs. Edith Gregor Halpert The Downtown Gallery The Ritz Tower Concourse 465 Park Avenue New York, New York

Dear Edith:

Just sorry I haven't been back to see your new set-up. I know it must be beautiful.

In the interim, I agreed to do some advisory work for the State Department and had the enclosed from Nancy Kefauver. Would appreciate any thoughts you have on this subject.

Look forward to seeing you about the middle of October. Or better still, we have lots of house here and with the family and children in Palm Springs you can have all the space you want to ramble around in here.

With lots of love from Lita, myself and Gale,

As always,

Frank E. Hurd

FEH:rt

enc: Letter from Nancy P. Kefauver, 8-24-65
Brochure: The Art in the Embassies Program

researchers are cosponsible for obtaining written permission from both sriet and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

LAW OFFICES
ALLAN D. EMIL
680 MADISON AVENUE
NEW YORK 21, N.Y.

PLAZA 1-0070

ALLAN D. ENIL MELVIN A.ALBERT HAROLD KIEVAL

September 2, 1965

Mrs. Edith Halpert Ritz Towers 57th St. & Park Ave. New York, N. Y.

Dear Edith:

It was nice to receive your kind invitation to attend the opening of your new gallery.

I am terribly sorry to say I won't be there as I have to be in Cedar Rapids, Iowa, of all places. Kate will try to come.

I do want you to know that Kate and I wish you many happy years in your new gallery.

With kindest regards.

Sincerely,

ADE: sw #211 Mrs. Maurice Rubner 1817 Hillorest Road The Villa Bonita Apartments, 41 Hollywood, California 90026

Dear Mrs. Babners

Thank you very much for sending along the photograph of the cabinet. While it is an attractive piece, I am afraid that Mrs. Helpert would not be interested in acquiring it. I am returning the print as you requested.

Thank you again for your thoughtfulness.

Sincerely,

Robert J. Grode

RJG.

reachers are responsible for obtaining written permutation on both writer and purchaser involved. If it cannot be tablished after a reasonable search whether an artist or traineer is living, it can be assumed that the infermation my be published 60 years after the date of sale.

weights and measures may be extended to include the power to require the display of prices. Even on that assumption, the present regulation could be applied only to articles which are sold by weight or measure.

The present case is a much clearer one than that presented in City of New York v. Fredericks, 206 N.Y. 618.

The court there construed a city ordinance which prohibited sales for "a greater weight or measure than the true measure thereof" and which required that "all meats, poultry and provisions . . . of every kind, sold . . . in the City of New York, shall be weighed or measured by scales, measures or balances, or in measures duly tested and stamped . . ". The ordinance was held inapplicable to the sale of bacon in a jar. It was construed to relate "solely to such articles as are customarily sold by weight or measure". The court wrote (at 622):

"We should not impute to the board of aldermen an intent to impose a needless burden upon an extensive trade, unless they have expressed their meaning so clearly as to permit no other reasonable conclusion. Reading the clause in question in connection with that which precedes it, it may readily be regarded merely as a requirement that, where the provisions and other commodities mentioned are sold by weight or measure, the balances or measures used shall be such as have been stamped by the municipal authorities as correct and true."

rior to publishing information regarding sales transactions, securchers are responsible for obtaining written permission rom both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or probaser is living, it can be assumed that the information may be published 50 years after the delp of sale.

Edith Gregor Halpert
extends her personal invitation to
Housewarming Party
and
Exhibition Preview
at

The Downtown Gallery
465 Park Amount New York

465 Park Avenue, New York (57th Sweet-Phily Town Concourse)

on Tuesday, September seventh - 5 to 8 p.m.

Яよととの

Raza 3-3707

· Mease present the incluyed admission card at the door ·

sourchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stablished after a reasonable sourch whether an artist or urchant is living, it can be assumed that the information sy be published 60 years after the date of sale.

THE DOWNTOWN GALLERY

Rifz Concourse

465 PARK AVENUE

NEW YORK, N. Y. 10022

Plaza 3-3707

Issued to:

Jean Gallery

Very Jerry, Galler & Ge

14 Sab Park C.

The Sab Park C.

PAULA LAURENCE

in

bye bye birdie

also starring van johnson

July 20

Rehearsal

July 27

Opening

Shady Grove Music Fair Gaithersburg, Maryland

August 2-8

Camden County Music Fair Haddonfield, New Jersey

August 9-15

Storrowton Music Fair West Springfield, Massachusetts

August 16-22

Westbury Music Fair Westbury, Long Island, N.Y.

August 23-28

Valley Forge Music Fair Devon, Pennsylvania

August 30-September 5

Painters Mill Music Fair Owings Mills, Maryland

ier to publishing information regarding sales transactions, searchers are responsible for obtaining written permission om both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or archaeer is living, it can be assumed that the information sy be published 60 years after the date of sale.

Gustin

September 14, 1965

Comput

Mrs. John Moran St. Paul Art Center St. Paul, Minnesota 55101

Bear Mrs. Moran:

Thank you for your letter of the 2nd.

I'm serry that Mr. Lein finds he will be unable to make the trip to New York at this time but I will be happy to meet you here at the Gallery on the little. If you will call when you arrive in the city, we will be able to arrange a specific time for the appointment.

As you can see by the letterhead, we have recently moved to a new location on the Concourse of the Ritz Tower Hotel. I'm looking forward to vecing you and discussing the exhibition of drawings by Ben Shahn.

Sincerely,

ROHA PO



NEW YORK STATE EXPOSITION SYRACUSE, N. Y. 13209

HAROLD L. CREAL, DIRECTOR

HELEN B. VANDERVORT, DIRECTOR, ART AND HOME CENTER

September 13, 1965

The Downtown Gallery 465 Park Ave. New York, New York 10022

Dear Sir,

Thank you very much for lending the 1965 Art Exhibition at the New York State Exposition, "Agitator".

We estimate that approximately 100,000 people saw the Exhibition. It was extremely well received. The local Art critics praised the show highly.

I am enclosing copies of our catalogue. Please let me know if you want more.

We shipped the paintings September 9, prepaid REA express. Will you please fill out the enclosed condition report and return it to us.

Mr. Creal, Director of the Exposition, and Mr. Homer Roy Martin, Director of the Exhibition, join me in this expression of appreciation to you and the Board of Directors of the Downtown Gallery.

Very sincerely,

Mrs. John Vandervort, Director Art and Home Center

JV:hb

Leo S.Guthman

September 2, 1965

Mrs. Edith G. Halpert
The Downtown Gallery
465 Park Avenue, New York
(57th Street - Ritz Tower Concourse)

Dear Edith:

Thanks so much for your invitation for the housewarming party the 7th of September. Unfortunately for me, I will not be able to attend. Do thank you and want to wish you the very best.

Much too long since I have been in New York. Hope by October I will be able to be there and will call you.

All the very best.

Fondly,

2629 South Dearborn Street Chicago, Illinois

rice to publishing information regarding sales transactions, essenthers are responsible for obtaining written permission can both artist and purchases involved. If it cannot be stablished after a reasonable search whether an artist or archaeor is living, it can be assumed that the information sy be published 60 years after the date of sale.

SYLVIA J. SALZ 330 W. 28th Street New York City 10001

Rentlemen

May I have an appointment

to west the Balley survey of

anciesan art?

Thank you.

Way truly yours

Yor 9-3643

330 W. 28 St.

G'

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rior to publishing information regarding sales transactions, searchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be exhibited after a reasonable search whether an artist or archaest is living, it can be search whether an artist or archaest is living, it can be searched that the information my be published 50 years after the date of sole.

June Blith

Jes Blith

Alas, O show!

In both in town soon enough

to help housewarm your new

questions. My best wishes to

gouttons. My best wishes to

gran and the new Down town

Gallery - cordially

Ballery - cordially

September 14, 1965 Mr. Jerome L. Greene 430 Park Avenue New York, New York 10022 Dear Jerry: The receipted bill you requested is enclosed. However, my accountant just called my attention to the fact that we omitted the State Sales Tax and I am therefore attaching this invoice as well. Something new has been added and the bookkeeper is just catching on. May I take this occasion to thank you and Gerds not only for joining us at the opening party, but also for the added pleasure of being a guest (together with my friends) at dinner. It was a perfect ending to a very special day in my life and I am most grateful to you. I hope to see you in a more quiet atmosphere at the Gal-

lery in the near future.

My affectionate regards to Gerda - and to you.

Sincerely yours,

KILPATRICK, CODY, ROGERS, MCCLATCHEY & REGENSTEIN

MARTIM E. KILPATRICK
WELBORM B. CODY
ERNEST P. ROGERS
DEVE REAUX P. MICLATCHEY
LOUIS REGENSTEIN
MARRY R. BAXTER
A. B. CLEYELAND, Js.
GEORGE S. MALEY, JA.
BARRY PHILLIPS
THOMAS C. SHELTON
HARRY J. MEHRE, Js.
WILBUR SPANICH KING
HAROLD E. ARRAMS

WILLIAM W. COWAN
THOMAS E. JOINER
D. LUNTON MASSEE, JR.
EMMET J. BONDURANT
JEFFERBON DAVIS, JR.
WILLIAM G. VANCE
WILLIAM G. LEWIS, JR.
ALBERT C. TATE, JR.
MATTHEW H. FATTON
WILLIAM A. BURNHAM
G. KIMBROUGH TAYLOR, JR.
CARL I- GABLE, JR.

HURT BUILDING ATLANTA, GEORGIA 30303

September 7, 1965

HAROLD HIRBOH (MET-1938) MARION SMITH (MET-1947) A. STEVE CLAY (MOS-1948)

JACKSON 2-7420 AREA CODE 404

Mrs. Edith Gregor Halpert 465 Park Avenue New York, New York

Dear Edith:

I am sorry that I was not in New York to attend the housewarming party and vernissage on September 7. I want you to know that I wish you all good luck and success in your new gallery. I hope to see you on my next trip to New York and I appreciate your being so thoughtful as to sending us an invitation.

Sincerely yours,

Lowis Regenstein

LR:rut

of consumers rather than the commodities offered for sale". He does not dispute any of the facts set forth in Mr. Thaw's affidavit but claims that its facts show that purchasers of art works need the protection of the regulation. In short, he recognizes no distinction between works of art and the ordinary commodities purchased by the "low income families who can least afford being overcharged".

PLAINTIFFS' POSITION

Plaintiffs contend that:

- Adoption of Regulation 49 exceeded the statutory powers of the Commissioner, and the regulation is null and void.
- 2. Even if the Commissioner has power to require the display of the prices of some articles, that power is limited to those which are sold by weight or measure and may not be exercised with respect to works of art.
- As applied to works of art, the regulation is arbitrary and capricious.
- 4. The threatened enforcement of the regulation against art dealers would cause them irreparable injury against which they are entitled to preliminary injunctive relief.

September 3, 1965

Mr. Nicholas Brown
The Leicester Galleries
4 Audley Square
London W.1, England

Dear Mr. Brown:

Mrs. Halpert is not well at the moment, but I know that it is importative for us to have immediately two of the paintings in your show. These are:

Georgia O'Keeffe RED AND GREEN #2, 1916 W.C.

Max Weber

RUSE HOUR, 1915

011

Can these small paintings be air expressed to us separately, as they have been provised to other exhibitions, which are being picked up shortly.

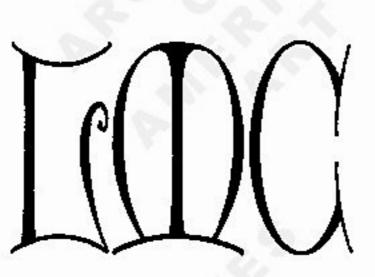
Mrs. Halpert also mentioned when I talked with her that unless there are strong reasons for holding our consignment any longer, it might be well to send these back as well, at your convenience. If you would like to retain several in your stock, please advise us which works you have in mind, but do make a separate immediate shipment of those listed above.

Many thanks.

Sincerely yours,

Tracy Miller

cor to publishing information regarding sales transactions, searchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be attablished after a reasonable search whether an artist or archaner is living, it can be assumed that the information sy be published 60 years after the date of sale.



mage to proteining internation regularity sales universities, mage their are responsible for obtaining written permission on both artist and purchaser is yeared. If it cannot be established after a reasonable search whether an artist or inchaser is living, it can be assumed that the information may be published 60 years after the date of outs.

THE CLEVELAND MUSEUM OF ART

Director's Office

Dr. Sherman E. Lee regrets he is unable to accept the kind invitation of Mrs. Edith Gregor Halpert to attend the Housewarming Party and Exhibition Preview at The Bowntown Gallery on Tuesday, September seventh.

Prior to publishing information regarding sales transactions, researchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an erist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

THE CALEVELAND MUSEUM OF ART

DITSO EAST BOULEVARD AY UNIVERSITY CIRCLE CLEVELAND. OHIO 44106 CABLE ADDRESS, MUSART CLEVELAND SHERMAN E. LEE, DIRECTOR TELEPHONE, GARFIELD 1-7340

September 14, 1965.

The Downtown Gallery 32 E. 51st St. New York, N. Y.

Attention: Miss Edith Halpert

Dear Miss Halpert:

Sometime during the next week Mrs. Ratner, Mrs. Fried, and Mr. Buchansn will be visiting your gallery. Mrs. Ratner, Chairman and Mrs. Fried, Publicist are in charge of an annual exhibition of modern art which is held at one of the large synagogues here in town - Park Synagogue. Mr. Buchanan is the Chairman of the Humanities Department of Case Institute of Technology and is serving this year as their adviser. The exhibition is open only a few days but it is very successful. While meither I nor the Museum are officially connected with the exhibition, we do regard it as very valuable for the community and for the state of interest here in modern art. We would, therefore, be glad if you should find it possible to cooperate in making this venture a success.

With kindest regards, lasm

Sincerely yours,

Edward B. Henning

Curator of Contemporary Art

Edward B. Henring

ebh/aw

rice to publishing information regarding sales transactions, securchers are responsible for obtaining written permission ben, both artist and purctusour involved. If it cannot be stabilished after a reasonable search whether an artist or surchaser is living, it can be assumed that the information ay be published 60 years after the date of sale.

Albert Barry & Associates 177 Foster Avenue Brooklyn 30, New York Uliter 9-6118

September 14, 1965

Mas. Edith Gregor Halpert Director 465 Park Avenue The Downtown Gallery New York (ity

Dear Mrs. Halpert:

We would appreciate an opportunity to have you view a slection of slides (35mm colon) of paintings by Lawrence Rothbort. Painting from life, the work depicted ranges from dramatic and poetic still lifes to the last farm in Brooklyn, New York. There are, in addition, landscapes, seascapes, portraits and paintings of the everchanging face of New York.

I am confident that if we mail the slides to you, and you find the time to view them, the quality and subject matter would warrant exhibition of the actual work.

May I hear from you?

Sincerely yours,

ALBERT/BARRY & ASSOCIATES) Harriet & Darry

Harriet R. Barry

HRB: ha

P. S. In addition to oils, mediums are watercolor, pen & ink, and mosaic.

rescarchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sole.

CONTEMPORARY ARTS ASSOCIATION - 8945 FANNIN STREET - HOUSTON, TEXAS 77025

ACLSON BURDETT Craccion

September 7, 1965

Dear Miss Halpert:

Thank you for your invitation to the Housewarming Party & Preview which I can't schedule due to an opening in our Museum on the 9th September.

I'm sure you won't remember me as several years have passed since we met. I had the pleasure of escorting Sara Mazo to a dinner party in your New York apartment.

May I wish you continued success in your new location, and on my next trip to New York in three weeks I shall visit the new gallery.

Sincerely,

Wilson Burdett

Miss Edith G. Halpert The Downtown Gallery 465 Park Avenue New York, New York

WB/bjs

September 16, 1965

Mr. Garnett McGoy Archives of American Art 5200 Woodward Detroit 2, Michigan

Dear Mr. McCoy!

On July 19th we wrote to you explaining that, although Mrs. Halpert is a sustaining member she had not been receiving copies of the Journal. We promptly received the April issue (which we had specifically requested) with a very kind note of apology.

However, we now understand that a subsequent issue is in distribution with an article on Yasuo Kuniyoshi, who has been represented by this Callery for many years. We would naturally like to have a copy of this - plus an extra if possible that we could clip for our files. I believe Mrs. Malpert should be receiving the Journal regularly and will appreciate your checking this to ascertain why we are omitted.

Many thanks for your trouble.

Sincerely yours.

Tracy Miller, Secretary to Mrs. Halpert

Prior to publishing information regarding mass transactions, rescarchers are responsible for obtaining written permission from both artist and purchaser involved. If it extend be established after a responsible search whether an artist or purchaser is living, it can be assumed that the information permission of the conditional 60 years after the date of sale.

- arre address

GEORGE PEABODY COLLEGE for TEACHERS

Divisions: The Graduate School. The College, The Peabody Demonstration School, Survey and Field Services

NASHVILLE 5, TENNESSEE

September 13, 1965

Miss Edith G. Halpert The Downtown Gallery 565 Park Avenue New York, New York

Dear Miss Helpert:

In the absence of Dr. Fruendlich, who is no longer a member of our faculty, I am taking the liberty of thanking you for the kind invitation forwarded to our Arts Department to attend your Housewarming Party and Emilition Preview on tassday, September seventh.

as it happened, I was out of the state for an extended period and only returned to discover that it was impossible to acknowledge the invitation. Having met you during your visit, some time ago, at The Pennsylvania State University and subsequently upon visiting your gallery in New York, I would be pleased to be placed on your mailing list for future mailings.

Our gallery here at Peabody is small and operating on a rather meager budget, but we are gradually growing and attempting to build our collection of contemporary American arts as a teaching tool of worth. I hope our faculty and I can look forward to chatting with you on our infrequent visits to New York in the future.

Thank you for your consideration.

Very sincerely yours,

Herbert J. Burgart, Chairman

Arts Department

Director, Peabody Museum & Gallery

P.s. Dr. Freemarich may be contacted at: The Jee and Bully Lowe Art Gallery University of Mismi Mismi, Florida

THE PENNSYLVANIA ACADEMY OF THE FINE ARTS BROAD AND CHERRY STREETS PHILADELPHIA 19102 LOCUST 4-0219

Peank T. Howard, President

Alfred Zantzinger, Vice President Joseph T. Fester, Jr., Director and Secretary

C. Newbold Taylor, Treasurer

ND

Mr. Joseph T. Fraser, Jr.
regrets that he will be unable to
accept the kind invitation of
Edith Gregor Halpert
to her Housewarming Party

and

Exhibition Preview

at:

The Downtown Gallery on Tuesday, September seventh

archers are responsible for obtaining written permission a both artist and purchaser involved. If it extnot be blished after a reasonable south whether an artist or thaner is living, it can be assumed that the information be published 60 years after the date of sale.

BEN SHEEN SILESCREENS AVAILABLE - September 14, 1965

CALIBANS, 1953	\$100.
SUPERMARKET (black & white), 1957	75.
ALPHABET OF CREATION, 1957	150.
LUTE AND MOLECULES (Color), 1959	225.
LUTE AND MOLECULES (Black & White), 1959	150.
ALGERIAN MEMORY, 1959	50.
CAT'S CRADLE (Color), 1959	150.
MASE, 1959	125.
PLRIADES, 1959	165.
THE POST, 1960	150.
MAXIMIS, 1963	350.
WARSAW 1943, 1963	150.
QANDHI, 1965	165.
BRANCHES OF WATER OR DESIRE, 1965	125.

Prior to publishing information regarding rates transactions, measurchers are responsible for obtaining written permission from both artist and purchases involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

ROBERT H. LUCK 152 EAST MIN STREET NEW YORK 28, N. Y.

JV

ROBERT LUCK ACCEDES WITH
PLEASURE MRS HALPERTS
KIND INVITATION FOR
TUESDAY, SEPTEMBER SEVENTA

SANTA BARBARA MUSEUM OF ART

1130 STATE STREET SANTA BARBARA CALIFORNIA TELEPHONE WOODLAND 5-8569

September 3, 1965

Mrs. Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York

Dear Mrs. Halpert:

Dr. Leavitt has asked me to let you know that he is very sorry not to be able to attend your housewarming party and exhibition preview on Tuesday, September 7. He will not be in New York at that time.

Sincerety yours,

(Mrs. M. A. Walsworth) Secretary

Donarita Walsworth

rior to publishing information regarding sales transactions, researchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be searched that the information may be published 60 years after the date of sale.

September 2, 1965

Walter Drake and Some Inc. 94 Drake Bldg. Gelorado Springs, Gelorado

Dear Stret

Enclosed please find check for fifty cents (50#) for which please send us 500 labels exactly like that attached below.

Thank you for your prompt attention.

Sincerely yours,

Tracy Miller

other dealers in fine arts who are members of plaintiff association. Preliminary and permanent injunctive relief is demanded.

The <u>answer</u> admits that the defendant has promulgated the regulation and announced that he intends to enforce it against art dealers. It denies the other allegations of the complaint and demands judgment declaring that adoption of the regulation was a valid and proper exercise of the Commissioner's powers and that it is applicable to the business of dealers in fine arts.

THE MOVING PAPERS

Two affidavits are submitted in support of the present motion. Ralph F. Colin, attorney for plaintiffs and Administrative Vice President of the plaintiff Art Dealers Association, sets forth the basis for plaintiffs' contention that the adoption of Regulation 49 was an attempt by the Commissioner to legislate in an area that is plainly outside of his authority. Mr. Colin refers to a meeting at which the Commissioner made it clear that he insists upon treating works of art as a "commodity" within the meaning of the regulation. After quoting the Commissioner's defense of the regulation, he states that the objection of plaintiff dealers to the regulation is not based upon

The Richard P. Wyckelf accepts with pleasure

the Kind involation of

Edick Gregor Halpert

for Tuesday the severth of Systember

at fine to eight o' clock

The Downtown Gallery

rior to publishing information regarding sales transactions, scarchers are responsible for obtaining written permission out both artist and purchaser involved. If it cannot be cablished after a reasonable search whether an artist or incluser in living, it can be assumed that the information by be published 60 years after the date of sale.

view to publishing information regarding sales transactions, measurchers are responsible for obtaining written permission om both artist and starchaser involved. If it cannot be stablished after a reasonable search whether an artist or archaear is fiving, it can be assumed that the information my be published 50 years after the date of sale.

September 11, 1965

Mr. Herbert A. Goldstone 1125 Park Avenue New York, New York

Dear Mr. Goldstone:

As you requested, I am listing below the current insurance valuation for your painting by Miles Spencer.

PIKE COUNTY CHURCH, 1946 011 30 x 20 \$3500.

Sincerely fours,

EOH/tm

ABRAHAM MELAMED, M. D. HOT EAST LILAC LANE MILWAUKEE IT, WISCONSIN

Dear mus Halpert, Thouse you very much for your instation to attend the Lusewaring party on the severith Thope and & regret we cannot be with your on the revenit but we trope take in nyc a but later in month Wh are planning to drop in to see you in your new, quarters mid or late Leptem. ber, if our plans materialize. I duthe meantine, man we add our very best wishes for your toppiners in your then goelery and localin. With all good wishes and best regards Succeedy

searchers are responsible for obtaining written permission on both artist and perchaser involved. If it cannot be tabliabed after a reasonable search whether an extist or urchaser is living. It can be assumed that the information sy be published fill years after the date of sale.

searchers are responsible for obtaining written permission on both write and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or retuner is living, it can be assumed that the information who mubilished 50 years after the date of sale.

UNITED STATES NATIONAL MUSEUM
MUSEUM OF NATURAL MISTORY
MUSEUM OF HISTORY AND TECHNOLOGY
ASTROPHTSICAL OBSERVATORY
CANAL ZONE BIOLOGICAL AREA
MATIONAL ZOOLOGICAL PARK
MADIATION BIOLOGY LABORATORY
NATIONAL AIR AND SPACE MUSEUM



SMITHSONIAN INSTITUTION

Washington, D.C. 20560 U.S.A.

NATIONAL COLUECTION OF FINE AR

INTERNATIONAL EXCHANGE BERVICE

SCIENCE INFORMATION EXCHANGE

JOHN F. RENNEDY CENTER FOR

THE PERFORMING ARTS

NATIONAL PORTRAIT GALLERY

FREER GALLERY OF ART

Library of the National Collection of Fine Arts and the National Portrait Gallery

15 September 1965

Mrs. Edith G. Halpert Director The Downtown Gallery 465 Park Avenue New York, New York 10022

Dear Mrs. Halpert:

A belated acknowledgment of your letter of August 13, concerning your intention to send additional material for the NCFA/NPG Library in the future. We will welcome it, whenever it comes. As I indicated previously, let me know if there is any way that I can facilitate the removal of the library material.

Having just moved my own apartment from one building to another here in Washington, I have a renewed sympathy for the travail you must be undergoing in remodeling a new gallery.

I hope to get to New York later in the fall, and would like to see your new quarters.

Yours truly,

William B. Walker

Librarian

NCFA/NPG Library

nier to publishing information regarding sales transactions, usearchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or urchaser is living, it can be assumed that the information by be published 60 years after the date of sale.

September 1, 1965

Mr. Wayne Bramble 2907 Fairlaum Street Hillcrest Heights, Maryland

Dear Mr. Bramble:

We have your Marin ready to ship back to you as per your telephone instructions restorday. However, I have just discovered that we have two addresses for you - the one above and one in Washington. Would you be good enough to let us know to which address the Marin should be sent and I will follow through immediately on receipt of your instructions.

Many thanks for your trouble.

Sincerely yours,

Tracy Miller, Secretary to Mrs. Halpert

-28: +Vjertenia.



September 15, 1965

Mrs. Edith Gregor Halpert, Director The Downtown Gallery 465 Park Avenue New York, N.Y. 10022

Dear Edith:

Thank you so much for your letter of September 1 and for the photographs of the Shahn painting and the Zorach sculpture. I shall see that they are brought to Mr. Gallagher's attention.

I am up to my neck in preparations for the fall show.

With warm regards,

Singerely,

William E. Steadman

Director

WES:mm

If, as the Commissioner contends, the laws relative to weights and measures afford statutory authority for the present regulation, the scope of the regulation may not extend beyond the reach of those laws. Even on the Commissioner's assumption, application of the regulation to works of art, which are not sold by weight or measure, is plainly unauthorized.

III. As Applied To Works of Art, Regulation 49 is Arbitrary And Capricious.

It may be assumed that the Commissioner has power to apply Regulation 49 to articles which are offered for sale in the public markets over which he has jurisdiction. And we have assumed above that the regulation may be applied to articles sold elsewhere by weight or measure. Those assumptions, we submit, mark the outermost limits of its conceivable application. We submit further that even if there were express statutory authorization for the regulation, which is not the case, as applied to the works of art offered for sale by the plaintiff dealers, the regulation is so utterly unreasonable that it may not be enforced.

The facts as to the nature of plaintiff's business are not in dispute. They are set forth specifically in the affidavit of Mr. Thaw. The Commissioner's affidavit

rior to publishing information: regarding sales transactions, occursions are temporatible for obtaining unitten permission rots both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or unbaser is fiving, it can be assumed that the information sy be published 60 years after the date of sale.

September 7th, 1965

Mr. Harry Frelinghuysen 17 West 54th Street New York, New York 10019

Dear Mr. Frelinghuysen:

I am writing to apologise for the great confusion regarding delivery of your George L. K. Morris painting, Hacken-sack Meadows. By this time, I trust, the necessary change has been completed, and your painting is safely in your possession.

The Morris retrospective was a great success, which would not have been possible without the kind cooperation of lenders such as yourself. It is all the more regrettable that this unfortunate mix-up occurred as a result of confusion in shipping arrangements made by the Corceran.)

May I again say how grateful we are for your generosity in lending this important work, and for your patience in coping with our shipping department.

Sincerely yours,

Richard A. Madigan
Acting Director

RAK : Imp

nor to publishing information regarding sales transactions, seegrehers are responsible for obtaining written permission con both artist and purchases involved. If it cannot be sublished after a resounable search whether an artist or urchases is fiving, it can be assumed that the information by be published 50 years after the date of sale.

Mrs. Stugvesant Van Veen 320 Central Park West New York, New York 10025

Dear Edith

Sugar et aus I well como unh pleasus on Thes. Sayor Th.

-fela.

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rior to publishing information regarding sales transactions, seemethers are responsible for obtaining written permission into both artist and purchaser involved. If it cannot be stablished after a reasonable search whether as artist or reducer is living, it can be assumed that the information ay be published 60 years after the date of sale.

Dear Mrs. Halpert Illauk yan for in-Cluduig us on your Lousewarmen glass. Edward and I accept with great pleasure Jelice Coss

-

of buying. He states that price inquiries are often made by "art spies" or "runners" for a variety of ulterior purposes.

Mr. Thaw states that he does not raise the price of a work merely because he believes that a particular purchaser will be willing to pay more than what he believes to be its value, as that practice would be self-defeating in that it would impair his reputation and standing as a dealer. He points out, moreover, that if the Commissioner's purpose is to prevent such practice, the regulation would have the opposite effect since it would lead to the quotation of unrealistically high prices and bargaining in every case.

Since the wide availability of price information decidedly lessens the desirability of works of art to many prospective purchasers, Mr. Thaw shows that immediate and irreparable injury would result from required compliance with the Commissioner's regulation.

THE OPPOSING AFFIDAVIT

The Commissioner has submitted an affidavit in opposition to this motion in which he defends the regulation as one "designed to prevent the fraudulent and discriminatory practice of quoting prices based upon the evaluation

nior to publishing information regarding sales transactions, asserthers are responsible for obtaining written permission um both artist and purchase involved. If it cannot be stablished after a reasonable search whether an artist or urchaser is living, it can be assumed that the information sy be published 50 years after the date of sele-

September 11, 1865

Dearent Colithe

Now that you have
become mrs. Palk avenue and
wedded to the Rity Towers
may you have many happy
years together. Love
Soundsand Bill



September 2, 1965

Mr. Abraham Rattner Downtown Gallery 465 Park Avenue New York, New York.

Dear Mr. Rattner:

May we tell you how honored we are that you will show at our first American Art Masters Exhibit to be held at the Collectors Gallery from February 1 to March 1 of 1966.

An imposing catalogue is now being prepared. Would you be kind enough to send us immediately:

- 1. An 8" x10" glossy photograph of yourself.
- 2. An 8" x 10" glossy photograph of the work to be submitted.
- 3. Information on the size of the work (not over 61) medium, value and title.
- A biographical sketch.

With a copy of this letter we have notified the Seven Santini Brothers of 449 West 49th Street, New York City, of your decision to show. Mr. Lou Santini, or one of his associates, will be in touch with you to make arrangements for the shipping. If there are any questions, he can be reached at Columbus 5-4600, or you can telephone us collect at 756-2121 in Miami,

All handling, shipping and insurance costs will be billed by Santini Brothers to Collectors Gallery and paid by us.

Your cooperation is greatly appreciated. We need the catalogue material on or before September 15, 1965, and enclosed, a stamped, self-addressed envelope for your use.

Yours most sincerely,

Joshua Kligerman: director jk/gl

CLASS OF SERVICE

Title to a fair message unless its deferred chapacter is indicated by the proper symbol.

WESTERN UNION

TELEGRAM

8F-1201 (4-60)

DL - Day Letter

NL=Night Letter

LT=International

The filing time shown in the date line on domestic relegrants is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

K TKAO17 CON PD TOPEKA KANS ? 812A CST EDITH HALPERT, THE DOWNTOWN GALLERY 465 PARK AVE NYK

1965 SEP 7 AM 10 40

WE ARE SO SORRY WE CANNOT BE WITH YOU IN PERSON TO WISH YOU WELL IN TH

NEW VENTURE WE SEND OUR WARMEST WISHES AND LOVE

JEWEL AND NAT

Uhr

rior to publishing information regarding sales transactions, escarchers are responsible for obtaining written permission rom both artist and purchaser involved. If it cannot be intablished after a reasonable search whether an artist or inchaser is living, it can be assumed that the information may be published 60 years after the chies of sale.

searchers are responsible for obtaining water transactions, countries are responsible for obtaining written permission om both artist and purchaser involved. If it cannot be tablished after a reasonable search whether an artist or unbaser is living, it can be seemed that the information by be published 60 years after the date of sale.

Mrs. Edith Hasper Post 1 - they're off, and Bur . Bob Costes

September 14, 1965

Mr. Robert W. Schlageter, Director The Mint Museum of Art Charlotte, North Carolina

Dear Mr. Schlageter:

Thank you very much for your letter of the 8th.

We shall be happy to cooperate with you on the exhibition you mention and to meet with you on the 22nd of this month. When you arrive here in New York, would you please phone to tell us at what time we can expect you on that date? Any time that is convenient for you between 11 A. M. and 6 P. M. will be satisfactory. We will be able to show you any paintings, scalptures and graphics you wish to see at that time.

You will notice by the letterhead that the Gallery has recently moved to a new address, on the Concourse of the Bit. Tower Rotel. I will look forward to seeing you next week.

Sincerely,

ECHarg

September 14, 1965

Mr. Wright Ludington Hesperides House Buckthord Hoad Santa Barbara, California

Dear Mr. Ludington:

It was good to hear from you.

Indeed I would be very pleased to handle the Hartley painting for me. We have several excellent examples in our inventory, but am sufficiently interested in having others available. I would suggest therefore that you send me a photograph of the painting and whatever other data you may have, including the original source - or the name of the dealer or private collector from whom you purchased the painting.

No doubt you heard that at long last we opened our new galleries to the public (please note the address above). I hope that you will pay us a visit on your next trip to the Big City.

I still remember the delightful time I had at your beautiful home and look forward to seeing you here.

My very best regards,

EGH/tm

Prior to publishing information regarding sales transaction researchers are responsible for obtaining written permission from both artist and parchaser involved. If it cannot be established after a reasonable search whether an artist or nethener is living, it can be sentented that the information may be published 50 years after the date of sole.

September 14, 1965

Mr. Henry Seldis, Art Critic Los Angeles Times Times Mirror Square Los Angeles, California

Dear Henryt

A Mr. Norman, Vice President of Gerald Schnitzer Productions, has sent me your article in relation to the Ben Shahn print you reproduced, but it evidently got lost (God help me) during the remodeling of our new quarters. If you have another copy of this available I would adore to have it for our archives. Meanwhile, I want to express my gratitude and that of Ben Shahn for doing such a superb job and for the expose. Unfortunately, this country, unlike all others, has no law relating to forgery in the visual arts and I have had occasion to see literally hundreds of fakes, particularly during the past few years when ART has been promoted to such a degree that there aren't enough "name" pictures in any media and forgery has become a general practice. Even the most reliable dealers have made errors and on many occasions I have called attention to Parke-Bernet and other auction establishments to "mistakes" which they readily removed from the exhibition and sale. Forinstance, color reproductions of John Marin's SINGER BUILDING and Charles Demuth's AFTER SIR CHRISTOPHER WHEN have been and probably are still being sold as original watercolors at prices up to \$3000. These reproductions appeared in the Dial portfolio published in the late 20's or early 30's. They were so excellent that under glass it is very difficult to distinguish the difference in medium. Even old-time collectors have been fooled as well as reliable dealers and in this instance also I had to call attention to Parke-Bernet that they were orints. I know the originals well and there is no question about the error. If more art critics had the courage to do what you did, perhans the market would be regulated and we would not have the flood of fakes nor latest - courtesy of Alexander's - "Cash and Carry Old Masters".

When you are next in New York, I will show you a magnificent fake of a Kuniyoshi, etc. In any event, I do hope you will be here soon as I am very eager to get your reaction to our new Gallery at the above address. It was grand to get a glimpse of you in London and I look forward to seeing you for a longer period in the Big Art City.

My wery best regards,

CLASS OF SERVICE

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WESTERN UNION

TELEGRAM

SF-1201 (4-60)

1965 SEP

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MS EDITH MALPERT, DOWNTOWN GALLERY

465 PARK AVE MYK

WILL BE BELIGHTED TO ATTEMS HOUSE WARMING PREVIEW

MORMAN GESKE

(32):

U. Nebraska

rior to publishing information regarding sales transactions, essengthers are responsible for obtaining written permission om both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or urchaser is fiving, it can be assumed that the information sy be published 60 years after the date of sole.

September 2, 1965

Equal Employment Opportunity Commission 1730 K Street, N. W. Washington D. C. 20506

Gentlemen:

Please send one copy of your information packet to the address which appears in the letterhead.

Thank you for your attention in this matter.

Sincerely,

Robert J. Grode

RJGza

September 1, 1965

Mr. Frederick S. Wight, Chairman Department of Art U.G.L.A. Art Gellerics 405 Hilgard Avenue Los Angeles, California 90024

Dear Fred!

At long last we were able to reach the Zorach torso, which was tucked away behind several unpacked berrels, etc. This was shipped to you on August 31st via Hailway Express.

I am very pleased that Zorach will be so well represented in your fine collection. Needless to say, it is one of my favorite sculptures.

Believe it or not, the place is still unfinished and I am practically entirely finished. It has been a nightnare, but now that all the roomseare bare, with the works of art in the proper storage bins, I am beginning to see daylight. In any case, we will be in some form of readiness for the opening party. I certainly wish that you could be with us on this occasion.

With my very best regards.

-

BOH/ta

P. S. Zorach was delighted to hear of your new acquisition.

September 1, 1965

Mr. William Steadmen, Director University Art Gallery University of Arisone Tucson, Arisons

Dear Bills

The photographer has just delivered these prints of the Zorach sculpture (two views) and of the Shahn painting, both of which I hope will be added to your collection, as I would be delighted to see these top artists represented with such outstanding examples.

It was good to see you, but I regret that I was in such a hopeless state during both visits. On your next trip I promise to entertain you appropriately.

Fone regards.

As ever.

BOH /tm

Shahn COUPLE, 1938

\$4000.

Zorach MOTHER AND CHILD, 1959

Same

constitution are responsible for obtaining veritten permission on hoth artist and purchaser involved. If it cannot be established after a reasonable sourch whether an artist or urchaser is living, it can be assumed that the information may be published 60 years after the dots of sale.

plad His Halfert.

Many Kents for Hedelight ful ofaring - I had a wonderful time, and appreciated the effortments, to see your supert callection. I comportunately same class work a voice and from your Housewaring flow home to ted for the part four weeks. Theth time in how fork I must being your some markets - its an all threat Wary your some markets - its an all threat "New House "cas tom. Someily Usene.

Dear Educations! were coming in Tuesday. Milton Otrshevsky-of Time. LIFE wants to come Itel out here but also come pm. Also Han Silverbach-who can would like to be at your opening. If you don't GOOD LUCK Elsther and ronday SUNTO 65

rior to publishing information regarding sales transactions, meachers are responsible for obtaining written permission can both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or inchaser is living, it can be assumed that the information by be published 60 years after the date of sale.

THE METROPOLITAN MUSEUM OF ART

Mr. Aschwin Leppe regrets that he will be unable to attend the Housewarming Party Exhibition Preview of Downtown Galley Tuesday, Systember severth. mecerchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living. It can be assumed that the information may be published 50 years after the date of sele.

September 14, 1965

Mr. Gudwind Vigtel, Director The High Museum of Art 1280 Peachtree Street, N.E. Atlanta, Georgia 30309

Dear Vig:

Naturally I am delighted that the FLOATING FIGURE was so great a success and the Committee certainly should be grateful to you for making this selection.

The woodcarving from which the bronze was made is actually dated 1922 and was formerly in the collection of Frank Crowninshield. When he died, it was acquired by someone else whose name I don't recall at the moment, but if it is of any interest to you, I may liceate the information.

I am so glad that you plan to be in New York shortly and I certainly look forward to your visit. Please phone me when you arrive so that we can make a date for dinner in my new quarters.

As ever.

EOH/t-



September 2, 1965

concions are responsible for obtaining written permission both artist and purchaser involved. If it cannot be shipped after a reasonable search whether an artist or relater is living, it can be assumed that the information by be published 60 years after the date of sale.

145 East 32nd Street . New York, N. Y. 18816 . LExington 2-4849 . Cable Jewelbo, New York

MRS. FLORENCE G. HELLER President

CHARLES AARON IRV/NG EDISON SOLOMON LITT Honorary Presidents

ALAM J. ALTHEIMER MRS. LEONARD H. BERNHEIM WALTER D. HELLER LEON KAPLAN ROBBI MORRIS LIEBERMAN MORTON L. MANDEL Vice-Problemits

Robbi DAVID de SOLA POOL Handrory Vice-President

BARNETT I, SHUR

Treasurer

ASSISTANT Treespay

SANFORD SOLENDER
Executive Vice-President

MANUAL TRABBAN

The Downtown Gallery 465 Park Avenue New York, N.Y.

Gentlemen:

We are very grateful to you for lending us the attached photos. We have been informed that this is not quite what the donor was looking for. He apparently wanted a larger piece of art around 25"x36" on a Jewish theme which he could donate to the Jewish Community Center. The cost is not to exceed \$2000. If any work comes to your attention which you think might be of interest, would you contact Mr. Sylvan J. Mack, M & L Motor Supply Company, 1493 University Avenue, St. Paul 4, Minnesota.

Sincerely,

......

MANUEL G. BATSHAW Director, National Services

Munul Bathaz

THOMAS A. EDISON INDUSTRIES

MICRAW-EDISON COMPANY

VOICEWRITER DIVISION . WEST ORANGE, NEW JERSEY

ZIF CODE 0705)



Mage reply to

\$1 LAKESIDE AVENUE WEST ORANGE, N. J. BEDWOOD 8-2000

SEP 1 3 1985

DOWNTOWN GALLERY 465 PARK AVE., NEW YORK 22,

V

THIS IS A FORM LETTER

Gentlemen:

We make no attempt to shield the fact that this is a form letter.

On the contrary, many of our customers occasionally forget to pay a bill, and welcome an impersonal reminder of this sort.

So, will you kindly send your check today in payment of your account as detailed below:

Very truly yours.

Fred E. Bramwell

Credit & Receivables Manager

by FEB-N

send dupliente

7/7/65

07-7-2045

40.95

We have no record of receiving this bill. Please send duplicate

SEP 16 1965

spechers are responsible for obtain on, both artist and purchaser involv abliabed after a reasonable search when mhases is living, it can be assumed by be published 60 years after the d

SAINT PAUL ART CENTER

30 EAST TENTH STREET

SAINT PAUL, MINNESOTA 55101

MALCOLM E. LEIN DIRECTOR

Mrs. Edith Halpert Downtown Gallery 32 E. 51st Street New York, New York

Dear Mrs. Halpert:

Mr. Lein has just returned from a summer in Europe and finds that he will be unable to be in New York this month to discuss arrangements for the exhibition of drawings by Ben Shahn, which he discussed with you. In his place I will be there from September 16th to the 20th and would like to have some time with you to discuss these arrangements. If you could be free for lunch on the 17th I would like to arrange to see you then, and will call on arrival to confirm this or plan a meeting convenient for you.

Sincerely,

Mrs. John Moran Assistant Director

2 September 1 9 6 5



The Marine Halin

379 SUSSEX AVEUUE. MORRISTOWN, N.J. 07960 SEPTEMBER 7, 1965

MISS EDITH GREGOR HALPERT THE DOWNTOWN GALLERY 465 PARK AVENUE - RITZ TOWER CONCOURSE NEW YORK, N.Y.

DEAR MISS HALPERT,

I AM INTERESTED IN HAVING A MAJOR GALLERY LOOK AT MY WORK WHICH IS COMPRISED PRIMARILY OF WATER COLOURS AND DRAWINGS, DURING THE PAST TWO YEARS MY WORK HAS BEEN EXHIBITEDIN MAJOR NATIONAL SHOWS AND MUSEUMS; HOW FUER, I HAVE NEVER MADE IT AVAILABLE FOR PUR CHASE.

WHILE I FEEL MY WORK IS UNIQUE AND EXCEPTIONAL, I'M SURE YOU'RE CONFRONTED WITH THIS A THOUSAND TIMES A WEEK. I'DO HAVE SUDES AVAILABLE IFYOU SHOOLD BE INTERESTED IN LOCKING AT SOME THINKS I'VE DONE. I'AM THIRTY YEARSOLD AND HOLD A GRADUATE DEGREE IN FINE ARTS-WHICH, AGAIN, IS IRRELEVANT.

I' WOULD APPRECIATE ANY CONSIDERATION YOU MIGHT EXTEND TO ME.

SINCERELY,

JAMES T. DOEMER

James T. Wormer

ice to publishing information regarding rales transactions, searchers are responsible for obtaining written permission am both artist and purchaser involved. If it cannot be tablished after a reasonable search whether an artist or rethaner is living, it can be assumed that the information by be published 60 years after the date of sqls.

Sept 13, 1965 Dear Mrs. Halpert spoke of you to me and I amentaking the liberty of pending you do lew slikes of my current Good along with biographical. may I invite you & see the payentings at they studio? Cordially,

Ri 9-0682

I. The Regulation Requiring The Display of Prices Is Invalid Because It Exceeds The Statutory Authority Of The Commissioner.

"Laws are made by the law-making power and not by administrative officers acting solely on their own ideas of sound public policy, however excellent such ideas may be." Picone v. Commissioner of Licenses of the City of New York, 241 N.Y. 157, 162.

The Commissioner of Public Markets "is merely an administrative officer who is intrusted solely with the duty of enforcing such statutes and ordinances, and reasonable regulations thereunder, as may pertain to his office. He has not been given any prerogative to arrogate to himself a usurpation of legislative functions".

Weiss v. Department of Public Markets, 168 Misc. 881, 885, 6 N.Y. Supp.2d 225, 228-9 (Sup. Ct.).

The areas in which the Commissioner has power to adopt regulations are clearly defined by the New York City Charter and the Agriculture and Markets Law. Those areas are public markets, vehicles from which market produce is sold, and weights and measures. Plaintiffs do not offer their art works for sale in public markets. Those works are not "market produce", and they are not sold from vehicles. They are not sold by weight or measure.

MUNSON-WILLIAMS-PROCTOR INSTITUTE

310 GENESEE STREET

LTICA, NEW YORK

ADMINISTRATION - WILLIAM C. MURRAY, PRESIDENT

Mr. and Mrs. William Colman Murray

regret

that they will be unable to accept

the invitation to

the

Housewarming Party

and

Exhibition Preview

at

The Downtown Gallery

oπ

Tuesday, September 7

There are specific legislative enactments requiring the display of prices for particular commodities, and their presence gives emphasis to the Commissioner's lack of authority in that regard with respect to other articles. Section 193, subdivision 4 of the Agriculture and Markets Law requires that pre-packaged foods be marked with the price per pound or other unit and the total selling price. Section B36-10.0(e) of the Administrative Code requires that all ice dealers post a price list showing the sale price of ice by weight or standard measure; and \$B36-103.0(a) of the Administrative Code requires that sellers of gasoline keep posted on their individual pumps the selling price per gallon of gasoline. The two latter provisions were not in the Administrative Code as enacted in 1937, but were added by local laws enacted by the City Council. When the legislative body, State or City, has intended to require that prices be displayed, it has explicitly so stated.

^{*} This is sharply illustrated by \$193 of the Agriculture and Markets Law and the amendment thereof in 1962. Prior to that amendment the marking of prices was required only on "all packages of meat, meat products, and cheese prepared or wrapped by the retailer in advance of being exposed or offered for sale". The 1962 amendment applied that rule to "all food and food products" so packaged.

Prior to publishing information regarding sales transaction resourchers are responsible for obtaining written permission nom both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is fring, it can be assumed that the information may be published 60 years after the date of sale.

3363 SAN FELIPE ROAD HOUSTON, TEXAS

September 3, 1965

Mrs. Edith Halpert Downtown Gallery New York City

Dear Mrs. Halpert:

Mr. and Mrs. de Menil have asked me to let you know that due to previous commitments in Houston, they will be unable to be present at your Housewarming Party and Exhibition Preview on September 7, much to their regret.

> Yours sincerely, Chris Powell

Secretary to Mr. de Menil

cp

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proper symbol.

WESTERN UNION

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MRS EDITH GREBOR MALPERT, THE DOWNTOWN GALLERY

465 PARK AVE NYK

HAPPY HOUSE WARNING. SHALL TOAST YOUR CONTINUE SUCCESS LONG

DISTANCE LOVE

FAIRWEATHER HARDIN

(46) 3

rior to publishing information regarding sales transactions, searchers are responsible for obtaining written permission um both artist and purchaser involved. If it connet be ausbiahed after a reasonable search whether an artist or archaeor is living, it can be assumed that the information ary he published 60 years after the date of sale.

Mrs. Edith Halpert The Downtown Gallery 465 Fark Avenue New York, M.Y. 10022

Dear Mrs. Halpert,

Congradulations - the Gallery is wonderful and I'm certain the occasion of last Tuesday's opening was a great success. Thank you for inviting me.

It was very nice to see so many friends - I haven't had such a long conversation with Roger Stevens in
years. Ben - and his work - looked very much at home
and it was good to see them both again. And to see you
"at home". May I repeat - congradulations and best
wishes.

Joseph Kuroson

I look forward to seeing you very soon.

Sandy Hook Connecticut. September 12th, 1965 trathers are responsible for obtaining whiten principles to both artist and purchaser involved. If it cannot be slighted after a reasonable search whether an artist or baser is living, it can be assumed that the information be published 60 years after the date of sale.

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

ART DEALERS ASSOCIATION OF AMERICA, INC., : et. al.,

Plaintiffs,

Index No. 12850-1965

-against-

ALBERT S. PACETTA, as Commissioner of Public Markets of the City of New York,

Defendant.

MEMORANDUM FOR PLAINTIFFS IN SUPPORT OF MOTION FOR PRELI-MINARY INJUNCTION

This is a motion under CPLR §6301 to enjoin pendente

lite the enforcement of a regulation promulgated by defendant Commissioner of Public Markets of the City of New

York. That regulation ("Regulation 49") reads as follows:

"Regulation 49. - Display of Retail Price Required.

"Any commodity, whether edible or inedible, sold, exposed for sale or offered for sale at retail, shall have conspicuously, plainly and clearly displayed the price per unit of weight, dry or liquid measure, or numerical count by a stamp, tag or label or by a sign at the point of display."

Plaintiffs are a membership corporation of art dealers, 50 of whom have galleries in the City, and 11 of those

September 3, 1965

Mr. Henry H. Bald Odol Chemical Corporation 200 West Seventh Street Plainfield, New Jersey 07060

Dear Mr. Beld:

Mrs. Halpert has asked me to send you this reminder that the Stuart Davis Memorial Exhibition will be on view at the Whitney Museum from September 15th until October 17th.

I know you will want to see your ODGL painting and that you will also enjoy the rest of this superb exhibition.

Sincerely yours,

Tracy Miller, Secretary to Mrs. Halpert escarcines are responsible for obtaining written permission com both sette and perchaser involved. If it cannot be stablished after a reasonable search whether an artist or urchaser is living, it can be assumed that the information may be published 50 years after the date of sale.

CARL DENMAN 16 SUTTON PLACE NEW YORK, N. Y. 10022

September 6, 1965.

Dear Edith,

I'm sorry as the dence that

Helen and I won't be able to attend

your housewarming part, and exhibition

preview on Tuesday. We have a previous

commitment in Chicago that we haven't

been able to change.

However, after we get back intown, we went very much to get in to see you and your new gallery.

Helen joins me in wishing you much success in the new location.

Thanks much for certing us to your party.

Fencerez,

Marunoucki, Hotel CABLE: MARUHOTE TOKYO TEL: 231-0271

BERT 14, 1965

MRS. HALPERT, ART GALLERY RITZ HOTEL NEW YORK, N.Y.

DEAR MRS. HALPERT;

I HAVE JUST READ AN ARTICLE OF YOU

IN SEPT, 20 ISSUE OF NEWSWEEK"... MAY I

COMPLEMENT YOU ON YOUR VIEWPOINTS

COVERED BY THE ARTICLE ... I ACREE

WHOLE HEARTEDLY

HOWEVER, WHEN I RETURN TO THE STATES I SHALL CONTACT YOU, HOPING THAT WE SHALL HAVE MUTUAL BUSINESS INTEREST.

SINCERELY

C. Elem Holden

C. EDWIN HOLDEN

P.O. BOY 454

KEY LARGO 33037,

FLORIDA

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unless its deferred character is indicated by the

proper symbol.

WESTERN UNION

W. P. MARSHALL'

TELEGRAM

R. W. MCFALL PRESIDENT SYMBOLS

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LT ... International Letter Telegram

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MRS EDITH HALPERT DOWNTOWN GALLERY AH
465 PARK AVE NYK

1365 SEP 6 PM 10 4

MR NORMAN DEHAAN IS PLEASED TO ACCEPT YOUR INVITATION TO HOUSE FORMING PARTY ON TUESDAY SEPTEMBER 7TH NORMAN DEHAAN.

M (181,1301 | 188-68

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n both artist and purchases involved. If it could blished after a reasonable search whether a chaser is living, it can be assumed that the it he published 60 years after the date of sale

MOUNT HOLLY ROAD KATONAH, NEW YORK

Dear Edith,

Thank you for your more than querous the cle. For may hove used my lettle piece 13/4 times but you paid a good 4 times too runch for it - 10 I'm afraid you're the loves, but an anofully mice one.

Had great fun at your opening.

The new gallery is really beautiful, the party was daudy, the director glamorous, and was the looked good.

affection stely Jack

rior to publishing information regarding rates transactions, seemches are responsible for obtaining written permission can both artist and purchases involved. If it cannot be stablished after a reasonable search whether an artist or urchaser is living, it can be assumed that the information who making 60 years after the date of sale.



Ommerce Trust Ompany

GRAHAM PORTER, VICE PRESIDENT

September 2, 1965

Miss Edith Halpert, Director The Downtown Gallery 464 Park Avenue New York, New York 10022

Dear Miss Halpert:

I look forward to hearing from you as to the Rathmer pictures you will be able to send us and as to when we might expect to receive them.

Enclosed are a photograph of the gallery area taken from its adjoining exterior sunken garden and also a flyer describing our cafe operation within the gallery. As I mentioned on the phone, 18 paintings from our own fine art collection are now hanging on the walls there. The gallery area includes 117 linear feet of wall space. In addition we have two glass display cases with a total of 17 linear feet and a depth of 18 inches.

The gallery area is open Mondays through Fridays from 8 a.m. to 4 p.m. At other times it is securely closed. Of course, we would be particularly anxious to exhibit as many new paintings of Rattner as possible as this should add to the exhibit interest and publicity possibilities.

Sincerely,

Vice President

CLASS OF SERVICE

This is a fear message unless its deferred character is indicated by the proper symbol.

WESTERN UNION

W. P. MARSHALL CHAIRMAN OF THE BOARD TELEGRAM

R. W. MCFALL PRESIDENT SYMBOLS

DL = Day Letter

NL = Night Letter

LT = International

Letter Telegram

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B HKD128 NL PD HARTFORD CONN 3
EDITH GREGOR HALPERT, DOWNTOWN GALLERY
465 PARK AVE (DLR MONDAY NIGHT SEPT 6 NYK.
WISH I COULD BE WITH YOU FOR GALA OPENING BUT SEND EVERY GOOD WISH. AM SURE IT WILL BE A SUCCESS
CHARLIE CUNNINGHAM.

2.00

Prior to publishing information regarding sales transactions, researchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

Mrs. Otto I Spath

SPAETH LANE, BOX 1346, EXATT HAMPTON, NEW YORK

Dear Edith:

I'm to harry well

tell be in the Cauntry at

the timed your afterine but

well drop by soon del

good miches from us both

Scheerely, Elaine

ORMAL, ILLINOIS 61761

DEPARTMENT OF ART

September 7, 1965

Mr. Tracy Miller
The Downtown Gallery
465 Park Avenue
New York, N. Y. 10022

Dear Mr. Miller:

Thank you for your kind letter of July 21. I had planned to be in New York today, but the doctor has not allowed me to make any trips because I am fighting a sinus infection and a malfunction which is all due to this central plains climate. I still want a Dove painting and plan to be in the New York area the latter part of October, if not sooner.

Sincerely,

Lillian Dochterman

Asst. Professor, Art History

my wisher for a Dove one : as larly as formeto in date and intirely non-representational CLASS OF SERVICE

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WESTERN UNION

TELEGRAM

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POT

RITZ TOWER CONCUURSE 465 PARK AVE NYK

CONGRATULATIONS ON YOUR NEW GALLERY WE CAN WELL UNDERSTAND
THERE WILL BE A NEW FORM OF ART CALLED "PROMEMADE ART" EVERY
GOOD WISH FOR CONTINUED HEALTH AND FUN. ALL OUR BEST
LITA AND FRANK HUR?

rior to publishing information regarding sales transaction researchers are responsible for obtaining written permission both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or archaer is living, it can be assumed that the information may be published for years after the date of sale.



JEFFERSON GALLERY

7917 IVANHOE AVENUE LA JOLLA, CALIFORNIA 92037

September 15, 1965

Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York

Dear Edith:

Thank you for the invitation to your recent housewarming party and exhibition preview at your new location in the Ritz Tower Concourse. I was very sorry that my schedule did not allow a visit to New York and the opportunity to congratulate you personally on that happy occasion.

I will certainly look forward to visiting with you late this fall. My very best wishes for an even longer and continued success.

Yours sincerely,

J. Thomas Jefferson

JTJ:sr

The Villa Benita Apts.
Hellywood, California 90028.
Tel. 46-37980 (unlisted.)

September 7,1965.

The Dewntern Gallery 465 Park Avenue New York, N.Y.10022

Attention Er. Robert J. Brede, Scoretary:

Thank you for your letter dated Sept. 1st, with enclosed print.

I sincerely regret Mrs. Halpert's unwillingness to acquire that genuine gem of painted fully signed and dated dowery cabinet, of original finish and absolute Museum standard, which newadays is impossible to duplicate, at any price.

Also I'm Going to try enother chance, in asking you to submit the enclosed two prints to Mrs. Halpert.

- 1) that of a beautiful sideboard with original, giant key, the measurements of which, you find indicated on back of photo. A most intereting item for either a Tennsylvania Euseum, or advanced collector's home. This beautiful piece, having been the possession of some evangelist of the Meravian Brethren, who fled to Dethlehem, Penna, in order to escape persecution of his faith, that has been founded in the XVth century, in Bohemia, under the name of "Unitas Fratrum, or Church of the Brethren. It came into my own family, over 50 years ago, from a noted Museum curator's estate. Same goes, for
- 2) the beautiful and rare XVIIth century mantle clack, equally described on back of its phate.
- There is also a rather rare se-called visiting lantern, carved in walnut and old glass, framed in load. And finally some precious XVIIth cross-stitch embeddery, that served as antependium for church and chapel alters, runners in hand-made original filet (net) etc. that will delight Ars. Halpert and de equally her clients those who own and trasure originals of authentic Museum calibre.

I'd suggest, that Mrs. Halpert take a waskend flying trip and examine these rere things. For this, I'd ask at least for 2-3 days advance notice, in order to have everything ready and waiting for her arrival. She will not regret it, believe me.

With all gred wishes

Sincerely

Warianne M.Rubner.

2 photos. tobe returned please, if nat interested.

rice to publishing information regarding sales transactions, escarches are responsible for obtaining written permission rum both artist and purchases involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published foll years after the date of sale.

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MAX STERN
DEWEY D. STONE
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MRS. JESSE ZIZMOR

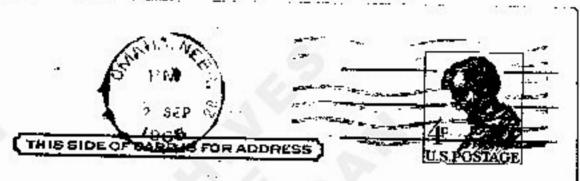
The Mr. on all 1984 Co.

here that will keep us from abending.

Save joins me in wishing you continued success in your new locale and in will plan to visit you on our next trip to hear york
Best Misher,

Calmen M. Kreeger

Mrs. David Lloyd Kreeger



Mrs. Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York 10022

In Matter of Devito v. Moss, 170 Misc. 170 (Sup. Ct.), it was held that the provision of the Administrative Code for the licensing of ice dealers did not authorize the Commissioner to condition a particular license by restricting the licensee to the sale of ice cubes; the resulting discrimination between dealers was held unrelated to the legislative purpose to prevent profiteering. In Tannenbaum v. Department of Public Markets, 152 Misc. 38, 272 N.Y. Supp. 660 (Sup. Ct.), it was held to be beyond the power of the Commissioner to volunteer aid in the enforcement of federal law by refusing a license to one who had violated a Code of Fair Competition. And in Radisch v. Morgan, 168 Mis. 258, 5 N.Y. Supp. 2d 810 (Sup. Ct.), the Commissioner was held without power to refuse a license on the ground that the applicant was using a trade name similar to that of another licensee.

The present effort of the Commissioner to legislate is as plainly invalid as the actions which have been annulled in the foregoing cases. It is unnecessary to review in detail the provisions of the Agriculture and Markets Law and the Administrative Code which spell out the matters over which the Commissioner of Public Markets has jurisidiction. Both statutes contain specific provisions relating to the inspection and sealing of weighing and

Deer Edith: Thank you for the invitation to the opening the seventh. Sorry that I must regret as I sm here in the superb weather. I know the Gallery is superbawhet with your excellent taste. Going to the Orient the American Archives group int Oct., so I will see you in Now I love the name" Ritz Tower Concourse. Some chic!! Lower of love to you and great acce. I wish for you ALWAYS, Ever AIRMAIL "ABCD ADDRES

THE CONTROLLING STATUTES

Chapter 36 of the New York City Charter creates the Department of Markets, headed by the Commissioner of Public Markets. Section 833 defines his powers and duties as follows:

"The commissioner shall have the powers of a commissioner of public markets under the agriculture and markets law, except that the construction and repair of buildings and structures under his jurisdiction shall be carried out by the department of public works, and shall enforce all laws in relation to weights and measures."

Article 22 of the Agriculture and Markets Law deals with departments of markets in cities. Section 259, defining the terms "market" and "market produce", reads:

"The term "market" means any building, structure or place, the property of a city or under lease to or in the possession of a city, used or intended to be used as a public market for the buying, selling or keeping for sale of food, flowers or ornamental plants, or any part of a street, avenue, parkway, plaza, square or other public place assigned to or set apart by law or ordinance or other competent authority to be used for such purpose.

"The term "market produce", includes food, flowers and ornamental plants."

The jurisdiction of a Commissioner of Public Markets in any city is defined by Section 261. That section provides that a city commissioner of public markets shall

for to publishing information regarding sales transactions, searchers are responsible for abusing written permission om both artist and purchaser involved. If it cannot be stabilished after a reasonable search whether an artist or archaeser is living, it can be assumed that the information sy be published 60 years after the date of sale.



searchers are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or orchaser is living, it can be assumed that the information my be published 60 years after the date of rate.

CARNEGIE INSTITUTE DEPARTMENT OF FINE ARTS PITISBURGH PENNSYLVANIA

Leon authoring arkens
regrects
that he will be unable to attend
the Housewarming Party
and Exhibition Provides
at
The Downtown Gallery
Tuesday, September 7th.

September 14, 1965

Mr. Graham Porter, Vice President Commerce Trust Company Kaneas City, Missouri 64141

Dear Mr. Porter!

At last, now that we have had our grand opening in our new quarters. I have had an opportunity to seemd some time at the warehouse to select some of the early Rattners and am completing the list tomorrow, supplementing this very handsome group with later examples, including three of the newest paintings, which arrived several weeks ago. A list will be sent to you shortly, together with a group of photographs. Meanwhile I am sending several catalogs which I found in our files, as well as our own catalogs, biographical notes and the releases we used in conjunction with our one-man exhibitions. If there are my eliminations you may suggest, please do not besitate to say so, as you are more familiar with your specific space and area consideration. You will note that I included a number of drawings and lithographs to make the cross-section complete. In your publicity it might be of interest to note that high officials of the church and a member of the Vatican group chose Rattner's triptych of THE LAST JUDGMENT and a small religious picture as the only two other works of art to accompany the Michaelangelo PIETA for exhibition at the Vatican Pavilion at the New York World's Fair.

If you will let me know the exact date of the exhibition, we can make the necessary arrangements here for packing and shipping the crates to you. If you wish, I will check with the shipper to ascertain which would be more economical - air freight or express or Railway. I believe I mentioned that we find A.B.C. an ideal method of shipping works of art, since this company has arrangements with the major airlines for a special rate when any plane has space available just before departure. In any event, I will follow your wishes in the matter.

Sincerely yours,

BOH/to

RUBIN, BAUM & LEVIN

MAX J. RUBIN
FREDERICK BAUM
ABRAHAM G. LEVIN
JACK C. FRIEDMAN
IRVING CONSTANT
BERNARD STEBEL
DONALD I. LAVENTHALL
FREDERICK M. MINTZ
RONALD GREENBERG

598 MADISON AVENUE NEW YORK, N. Y. 10022 PLAZA 6-8/00

September 2, 1965

yes

The Downtown Gallery

465 Fark Avenue New York, N. Y.

Dear Edith:

Thanks for the invitation. Beatrice and I will be happy to be there.

Cordially,

FB/bp

September 14, 1965

Mrs. Adelyn Breeskin National Collection of Fine Arts Smithsonian Institution Washington, D. C. 20560

Dear Adelyn:

I just came across a list of the artists you originally mentioned in connection with the exhibition you are now assembling and realised that we all forgot William Zorach, who was certainly among the first abstractionists in America, both as a sculptor and a painter. At his age and sensitivity, I would feel his omissical (careless on my part) would be a terrific blow to him. Consequently I decided to write to you and to offer to send you photographs of his work between 1910 and 1930 if you so desire. Meanwhile, I am sending you a copy of the Haur book published shortly after his big retrospective at the Whitney Museum a few years ago. This has a good many illustrations, including some of his truly pioneering works in the early years.

I want to take this occasion to tell you how much it meant to me - after the agonizing rebuilding period - to see you and your confreres from the Smithsonian at the opening of the Gallery and the following day. My spirits rose tremendously as a result.

Do let me hear from you shortly.

With fundest regards,

BOH/tm

P. S. I am sending the Zorach book as a gift to your library, in care of Mr. Walker.

for to publishing information regarding sales transactions, sourchers are responsible for obtaining written permission om both sotia and purchaser involved. If it cannot be dablished after a reasonable search whether an artist or suchaser is living, it can be searched that the information by the published 50 years after the date of sale.

MM/M

Left. 3, 1965

Den mo. Halfert,

Thank you so invitation

to your Housewarning

Carty on September 5

The Tenfortunately 5

ARKANSAS ARTS CENTER

September 3, 1965

Mrs. Edith Gregor Halpert % The Downtown Gallery 465 Park Avenue New York, New York

Dear Mrs. Halpert:

Mrs. Rockefeller asked that we write to let you know she will be unable to attend the Housewarming Party and Exhibition Preview on Tuesday, September 7, due to previous commitments.

We wish you a most successful season and do want to again express our appreciation for your many assistances.

Sincerely,

(Miss) Anne Long Assistant Director

AL/sn



Prior to publishing information regarding sales transactions, researches are conjuncible for obtaining written permission from both artist and purchaser involved. If it council be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be entitleded for years after the dete of sale.

Apartment 604 7144 California Street, N.W. Washington, D.C. 13 September 1965

Mrs. Edith Halpert The Downtown Gallery 32 East 51st Street New York, New York

Dear Mrs. Halpert:

When I was in New York a couple of weeks ago, I called you about the article I am writing on Charles Sheeler's photography. As I remember, you said that you had never shown his photography but that you had some correspondence I might look at and that you would be willing to discuss his work with me when I was next in New York. This would be tremendously valuable, since, of course, I have to deal with his painting, too, and I will let you know when I am coming to the city. In the meantime, perhaps you could give me a little information on some of the galleries that showed Sheeler, particularly early in his career, that are now defunct. I don't know which, if any, of these galleries showed his photography, but if I could discover anyone around who was connected with them or would know about them it would be most helpful. They include the Montross, Daniel, Macbeth, and Bourgeois galleries, the Whitney Studio, Neumann's Print Room, and the Art Center. Any light you might be able to shed on these galleries will be most helpful.

Sincerely,

Charles W. Millard

MIAMI MUSEUM OF MODERN ART

NORTH BAYSHORE DRIVE AT 20TH STREET MIAMI, FLOREBA 22127

BERNARD DAVIS
President
JOHN WRIGHT BURNS

Vice-President
EDITH McCOWAN
Vice-President

ALEX A. RENAULT Vice-President

MRS. CHURCHILL WILLIAMS
Vice-President

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Member

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Associate Member
THE INTERNATIONAL COUNCIL OF MUSEUMS
Maison de l'UNESCO, Piace Fontenoy, Paris 7e

Member ARTISTS EQUITY ASSOCIATION, INC.

September 2, 1965

The Down Town Gallery 465 Park Avenue New York, N. Y.

Dear Sirs:

Thanks for your invitation to the House Warming Party, September 7th. Our Hr. Leon Davis will represent our Huseum.

With best regards,

Sincerely,

MIANT MUSICUM OF MODERN ART

Bernard Davis

RDten

ce: Mr. Lean Davis

rior to publishing information regarding sales transactions, exerchers are responsible for obtaining written parmission can both artist and purchases involved. If it cannot be stablished after a reasonable search whether an artist or recleaser is living, it can be samuned that the information may be published 60 years after the data of sale.

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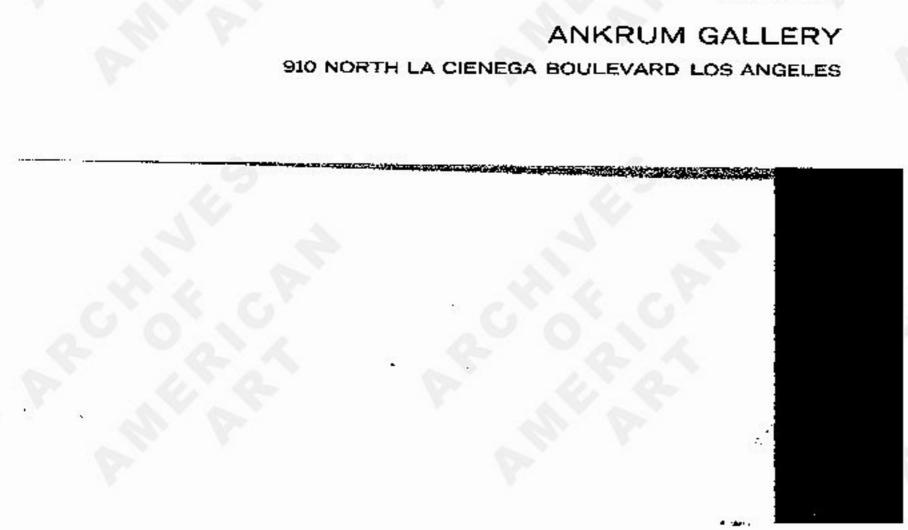
Dear Edith,
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the country with Sept 13th
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INSTALLATION VIEW OF

HELEN LUNDEBERG

EXHIBITION



NNNN

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HONOLULU 27 6 839P HST VIA RCA

LT

MRS EDITH G HALPERT DELIVER DOWNTOWN GALLERY 465 PARK AVE NEWYORKNY

WARMEST CONGRATULATIONS COSY NEW NEST SHOULD KEEP EAGLE FLYING HIGH SEE YOU THREE WEEKS

JIM

FOSTEK

COLL LT G 465

OF RADIO CORPORATION OF AMERICA

(E)

JACOB SCHULMAN
38 NORTH MAIN STREET
GLOVERSVILLE, NEW YORK

September 1, 1965

Mrs. Edith G. Halpert The Downtown Gallery 465 Park Avenue Ritz Towers New York City

Dear Edith:

It is with sincere regret that I will be unable to attend the Housewarming Party and Exhibition Preview of the Gallery on Tuesday, September 7.

May I take this opportunity of extending to you my very best wishes on your opening exhibition in your new facilities.

With kindest regards, I am

Singerely,

JS:KB

CLASS OF SERVICE

unless its deferred chat-

acter is indicated by the

proper symbol.

WESTERN UNION

W. P. MARSHALL CHAIRMAN OF THE BOARD TELEGRAM

R. W. MCFALL PRESIDENT SYMBOLS DL = Day Letter

NL - Night Letter

1.T - International
Letter Telegram

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MRS EDITH GREGOR HALPERT, THE COUNTOWN GALLERY THE 465 PARK AVE NYK

SORRY WE HAVE TO MISS YOUR PREVIEW BEST WISHES FOR SUCCESS IN YOUR NEW QUARTERS LOOK FORWARD TO SEEING YOU IN NOVEMBER ANNE AND HARRIS PRIOR.

or to publishing information regarding sales trasarchers are responsible for obtaining written por m both erist and purchases involved. If it can ablished after a reasonable search whether an exchases is living, it can be assumed that the infory be published 60 years after the date of sale.

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nice to publishing information regarding sales transactions, essenthers are responsible for obtaining written permission can both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or orchaser is living, it can be assumed that the information sy be published 50 years after the data of sale.

Dear Mun. Halpert,

I regret bleat I

slight be uncerleto
be present ore
Feresday, September
sevento.

Sincerely,

Kelen Roemer

EXECUTIVE MANSION ALBANY

NV

Governor and Mrs. Nelson A. Rockefeller regret that they are unable to accept the very kind invitation of Edith Gregor Halpert for Tuesday, September seventh

essarchers are responsible for obtaining written permissi
on both artist and purchaser involved. If it cannot be
atablished after a reasonable search whether an artist or
randsseer is living, it can be assumed that the information
ary be published 60 years after the data of sale.

authorization. No authority for the adoption of Regulation 49 can be found anywhere in the statutes defining the powers of the Commissioner of Public Markets.

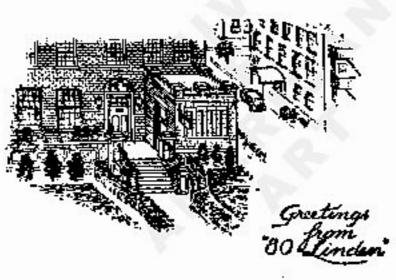
II. Assuming Arguendo That Regulation
49 Is Valid Exercise Of The Commissioner's Power to Enforce Lews In
Relation To Weights And Measures,
That Regulation May Not Be Enforced
With Respect to Works of Art.

The Commissioner apparently seeks to upholo the present regulation as one which he is empowered to adopt under the authority to enforce the laws relative to weights and measures. His affidavit states (45):

"The general purpose of these legislative enactments is to protect the public
from fraud in paying prices for commodities
which were short-weighted or falsely measured.
Since misleading or deceptive pricing of commodities constitutes a fraud upon the public,
in the same manner as short-weight or false measure, such practice come within the purview
of the Department of Markets. This principle
was recognized by the local legislative body
which enacted Section B 36-103.0 of the Administrative Code which requires gasoline stations
to post signs clearly stating the selling price
per gallon."

As noted above, the very fact that the local legislative body has required price posting for gasoline is a persuasive indication that the matter is one for that rody and not for an administrative officer. We may assume arguendo, however, that the power to enforce laws in relation to

Junters Aboast to the Julianing of the Kaufs



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print a note to with you will
ell the best of lack; will see you

upon my return. Jove Store

7 September 6;

nor to publishing information regioning sites transactions, we exchart are responsible for obtaining written permission can both artist and purchaser involved. If it cannot be adultated after a reasonable search whether an artist or archaeor is fiving, it can be assumed that the information as be published 50 years after the date of cale.

1 Sept 1965 Dran Edith. As you can see, I'll beave fine hed their toren form town thousanding. Oly bushous, who is producing Terementer.
Williams new plays this peasar, is sager to come, too! All 900 de loce in your nome and fondest regards. Always Coula Voursuce (des Clarles Boardse)

September 14, 1965

Mr. Sidney Bergen AGA Gallery 63 East 57th Street New York, New York 10022

Dear Sidneys

Thank you for your charming note.

We finally opened our new galleries to the public and what is left of me after the rebuilding ordeal is recuperating rapidly in this very pleasant set-up. I am most eager to see you and if you will call me the latter part of the week, I would love to have you pay me a visit and I will supply the scotch as a housewarming. Do let me know when you can make it.

Best regards,

SOH/tm

This is a fast message unless ire deferred, cheracter is indicated by the proper symbol.

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WESTERN UNION

TELEGRAM

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DL = Day Letter NL - Night Leaser

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EDYTHE GREGOR HAPERT, THE DOWNTOWN GANNERY RITZ 465 PARK AVE AT 57 ST NYK

ALL OUR GOOD ISHES TO YOU IN YOUR NEW HOME WISH WE COULD BE WITH YOU ON THIS WONDERFUL OCCASION HERB MARION AND BARNEY

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PHILADELPHIA

September 1, 1965

Mrs Edith Halport Downtown Gallery 465 Park Ave., New York City

Dear Mrs. Halpert:

It was indeed kind of you to see me last week in the midst of the rush and confusion preceding a Grand Opening.

The exhibition we discussed is to be called The Animal in Contemporary Art; it is to be presented in Philadelphia, at the Fleisher Art Memorial, from October 28th to November 13th. The van of the Philadelphia Museum of Art will pick up work in New York on October 17th and return it November 16th. The Art Memorial building is fireproof, and full security measures will be in force, including 24 hour surveillance.

We will be grateful if we may borrow three, perhaps four, of the works of William Zorach that we discussed - the pair of Bas Reliefs in Oak, the Rabbit, and the Cat. Will you be good enough to have the enclosed forms completed in duplicate, keep one of each, and return the others to me.

With all good wishes for a successful opening, and a happy time in your new quarters.

Thut of Sincerely,

Mrs. Irving H. Leopold

1080 Fifth Ave.,

New York, N. Y. 10028

I know - of course- how frontiedly thisy you are - but I have to mention that over catalogue goes to press Sept. 14 to /

from the general public. The only point which he makes in answering Mr. Thaw's affidavit is that "vanity makes the dilettante ... susceptible to price manipulation". He acknowledges, however, that the regulation "does not dictate the price the retailer may quote or charge for a commodity". This statement makes it plain that, in the art field, the regulation would defeat the very purpose which the Commissioner is seeking to achieve. A vegetable vendor cannot post a fictitious high price with the expectation that the actual selling price will be fixed by bargaining with each customer. Art dealers do not wish to engage in that practice, but the effect of the regulation would be to lead them to do so. The only manner in which they could avoid the injury to their business resulting from the disclosure of the prices that they really seek would be to list artificially high prices which might trap the unwary dilettante.

The Commissioner cites <u>People v. Arlen Service Stations</u>, 284 N.Y. 340, in which the court upheld the requirement that the price of gasoline be posted. That decision with respect to a commodity in general use, sold by measure to people "on the run", is certainly no precedent for the reasonableness of the present regulation as applied to works of art. The Commissioner in effect equates a Matisse with a mattress and a Picasso with a pizza. This is arbitrary and capricious.

LOS ANGELES COUNTY MUSEUM OF ART

5905 Wilshire Boulevard, Los Angeles, Celifornia 90036 Telephone 937-4250

September 3, 1965

Mrs. Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York

Dear Mrs. Halpert:

Mr. James Elliott has asked that I write to inform you he will not be in New York at the time of your Housewarming Party and Exhibition Preview so will be unable to accept your kind invitation for September 7.

Very truly yours,

(Mrs.) Carolyn Rust Secretary to Mr. Elliott

Secretary to Mr. Buron

researchers are responsible for obtaining written permission from both artist and perchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of rule.

polific

September 14, 1965

Mr. Ben Norman Gerald Schmitzer Productions 6063 Sunset Boulevard Hollywood, California 90028

Dear Mr. Normant

Forgive me for not answering you earlier. The Gallery is customarily closed during the months of July and August and this year we also had the problem of remodeling our new quarters (please note our new address) and this is my first opportunity to sit down at a desk to dictate a few organt letters.

I regret to say that Henry Seldis is right. The person who owned the original drawing had a number of reproductions made to use as a personal Christmas card, but the printer evidently decided to continue the edition indefinitely and very wisely numbered these so that they would appear "original". Several days ago Ben Shahn was at the Gallery and we discussed this and he repeated the story to me so that there is no question about the fact. However in justice to Paul Kantor, this print has been sold by a number of reliable dealers who did not realize that it was seestimes signed with a forged signature to add to the value. I have withdrawn several of these from reliable suction homess when I had occasion to see them before the actual sale.

Sincerely yours,

EOH/tm

Mrs. Edith Halpert September 2, 1965--page two

Daniel Robbins at the Shode Island School of Design is trying to squeeze the Shitney in for a period somewhere between late February and May.

Around September 20 I will have Budworth or someone assemble all the New York area material for shipment to Lexington. I will let you know soon.

Please let me know at your earliest convenience about insurance.

I understand, of course, that Studio Table may come a bit

All regards, hastily,

Dich

Richard B. Freeman Chairman

RBF/b

Mrs. Milton Steinberg





September 2, 1965

Mr. Ben Shahn Downtown Gallery 465 Park Avenue New York, New York.

Dear Mr. Shahn:

May we tell you how honored we are that you will show at our First American Art Masters Exhibit to be held at the Collectors Gallery from February 1 to March 1 of 1966.

An imposing catalogue is now being prepared. Would you be kind enough to send us immediately:

- 1. An 8" x 10" glossy photogrpah of yourself.
- 2. An 8" x 10" glossy photograph of the work to be submitted.
- 3. Information on the size of the work (not over 6') medium, value and title.
- 4. A biographical sketch.

With a copy of this letter we have notified the Seven Santini Brothers of 449 West 49 th Street, New York City, of your decision to show. Mr. Lou Santini, or one of his associates, will be in touch with you to make arrangements for the shipping. If there are any questions, he can be reached at Columbus 504600, or you can telephone us collect at 756-2121 in Miami.

All handling, shipping and insurance costs will be billed by Santini Brothers to Collectors Gallery and paid by us.

Your cooperation is greatly appreciated. We need the catalogue material on or before September 15, 1965, and enclosed, a stamped, self-addressed envelope for your use.

Yours most sincerely,

Joshua Kligerman: director jk/gl

Thur bearand Rosen

Mr. B. Weber Jr.

September 14, 1965

109 South Morley Street Baltimore, Maryland 21227

Dear Mr. Weber:

In reply to your letter, I can give you limited information as neither Davis nor Demuth are available at the moment as the former estate is blocked and in the case of the latter we have only a few watercolors which range from \$2000, to \$7500. There are drawings by Kuniyoshi and Shahm as well as lithographs and serigraphs, Their prints range from \$175. (Kuniyoshi) and \$75. to \$250. (for Shahn).

May I suggest that you come in to see us at our new address, which appears above. I will be very glad to show you a cross-section of their work. I regret that we have no illustrated catalog.

Sincerely yours,

E09/tm

cor to publishing information regayting sales wants or one searchest are responsible for obtaining written permission on both artist and purchaser involved. If it cannot be stabilized after a reasonable search whether an artist or withour is living, it can be assumed that the information ay be published all years after the chite of rais.

NATIONAL GALLERY OF ART
SMITHSONIAN INSTITUTION
WASHINGTON, D. C. 20565

OFFICE OF THE ASSISTANT DIRECTOR

Mr. J. Carter Brown
declines with regret

the kind invitation of

Miss Edith Halpert

to an Exhibition Preview

at

The Downtown Gellery

on Jueslay, September severeh

ď.

19

tin.

Miss Sharm Van Dyke Mordness Gallery

831 Madison Avenue New York, New York 10021

Dear Miss Van Dyke:

As you requested, I am listing below the current insurance valuation for the Charles Sheeler painting in the S. C. Johnson and Son, Inc. collection.

SUN, ROCK AND TREBS #2, 1999 011 \$20,000.

Sincerely yours,

rior to publishing information regarding sales transessarchers are responsible for obtaining written per con both artist and purchaser involved. If it cannot stabilished after a resonable search whether an artis incheser is fiving, it can be assumed that the inform may be published 60 years after the date of sale.

The Abingdon Square Painters

242 West 14th Street + New York 11, N. Y.

Theadows of Dan, Virginia Sept. 6, 1965

Dear Mrs. Halfaert,

to your Honowdoming Party and Exhibitione
Preview has just come to me forwarded
from New york, I am as sorry that, not
being there, I can not attend. Thank
you for asking me.

seeing the whiteition and you soon, and to a continuing of our preparations for the Ben Shahu show at Randolph-

Cordially, Harrint 77/2 gradd

researchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or tychaser is living, it can be assumed that the inferrestion may be published 60 years after the date of sale.

September 14, 1965

Mr. Teiichi Hijikata, Director The Museum of Modern Art, Kamakura Kamakura-shi, Japan

Dear Mr. Hijikata:

Please forgive me for not having answered sooner, but the Gallery is closed during the months of July and August and, as you will see from the address on our letterhead, we have moved to new quarters and this is my very first opportunity to reply to your kind letter.

I regret that there was some misunderstanding about the Shahn exhibition, which we, as agents for Ben Shahn, arranged many months ago with the Nihombashi Gallbry, which incidentally sold a good many of the exhibits. I have just heard from the sirlines to the effect that the collection of the remaining works is about to be delivered from the airport to New York City. The Tokyo exhibition, as you know, included all media used by Shahn > painting, drawing and graphics. When we check them in, possibly bithin a week or so as it takes considerable time to clear Customs, I can let you know what we have available and if you would prefer to concentrate on the Shahn serigraphs and a few of the earlier lithographs (of which there are none available for sale) I will be very glad to send you an exhibition, either in the print category exclusively ar a combination of media. In any event, you may rest assured that I will do all I can to cooperate with you in this connection. I also wish to add the information that the entire exhibition listed in the Mihonbashi catalog came through us with a few additions we borrowed from collectors to whom we had sold the works originally. This was necessary to fill in period gaps, as there was nothing in the artist's nor in our inventory of the specific period.

If you will communicate with me at the new address, I will make what-

Sincerely yours,

BOH/tm

The Marlin Firearms Co. MANUFACTURERS OF RIFLES AND SHOTGUNS **ESTABLISHED 1870**

NEW HAVEN 2, CONNECTICUT

September 3, 1965

Address Reply ATTENTION INDUSTRIAL DIVISION

Mrs. Edith Halpert The Downtown Gallery 465 Park Avenue New York, New York

Dear Mrs. Hatpert:

Warm congratulations on the opening of your new gallery and my sincere thanks for your invitation.

Mrs. Schramm and I will have to be in Chicago during that entire week, much to our regret.

By your leave, we'll be dropping in next time we're in New York.

September 14, 1965

Miss Frances Buth Simpson 157 Rest 18th Street New York, New York 10003

Dear Miss Simpson!

I am enclosing state or typed copies of the following letters:

- 1. May 17, 1939 letter to Mr. Nelson Rockefeller
- May 31, 1939 letter to Mr. Nelson Rockefeller, containing suggested letter to be sent to the Honorable Edward T. Taylor
- June 1, 1939 letter from Mr. Melson Rockefeller, advising E.G.H. that her suggested form of appeal was sent on his letterhead to the Honorable Edward T. Taylor, with additional copies to President Rocesvelt and Colonel Harrington

Sincerely yours,

FOR/ta

*4. June 8, 1939 letter from Tom Parker to BOH

CLASS OF SERVICE

This is a fast memoge

unless he deferred character is indicated by the

proper symbol.

WESTERN UNION

TELEGRAM

BF-1201 (4-50)

DL = Day Lereer
NL = Night Lerres

LT=International

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1965 SEP 3 AM 11 08

M DRB) 10 PD DES MOINES 10VA S CEEA COT

46 PARK AVE RICH HOVER CONCOURSE NYK

REGRET CANNOT BE WITH YOU FOR HOUSE WARNING ALL HERE SEND LOVE AND EVERY GOOD WISH

TOM

Tilles

(47)

eserchers are responsible for obtaining written permission om both estat and purchaser involved. If it cannot be debished after a reasonable sourch whether an artist or gribuser is living, it can be assumed that the information sy be published 60 years after the date of sale.

September 11, 1965

Mr. Richard Freeman Department of Art University of Kentucky Lexington, Kentucky

Dear Dick:

At last the Gallery opened with a grand party attended by about 300 people from all parts of the United States and now that all the worksen are out of my hair and the agonizing experience is over. I am finally getting around to the normal activities.

In referring to your Spencer exhibition, I had no idea that you had planned to send the show to so many museums. Actually, the time listed to date (exclusive of the Whitney Museum) covers the entire working season of 1965-66. In view of this fact, it will be impossible for us to let you have all the paintings listed as it would heave us with nothing to show at the Gallery and would be harmful to the artist consequently, as we have an international audience. Therefore I am listing those which may be included, indicating the elimination of several museums. Also, I am substituting BLAST FURNACE for GAS HOUSE DISTRICT as I am sure you have in your overall selection several examples which take care of the latter category, but nothing relating to the former. The entire list of drawings may continue throughout the tour.

I am now enclosing the consignment invoice, which has all the data you requested, including insurance valuations. Incidentally, you understand of course that all the expenses involved, including pick-up, packing, transportation and insurance are the responsibility of the consignees.

Sincerely yours,

EGH/tm

ior to publishing information regarding sales transactions, sourchers are responsible for obtaining written permission in both artist and purchaser involved. If it cannot be tablished after a reasonable sourch whether an artist or release is living, it can be assumed that the information y be published 60 years after the date of sale.

Mr. Edith Sheyer Halfest The Downtown Sulley 465 Park One 9.4. 9.4.

Sept. 11, 1965 Mrs. Edith Halpert 465 Park Ovenue the Kity Tower Concourse New York New York Debr Mrs. Lalgert I was recently informed that you are lenterested in portroits of children. Therefore Is am enclosing a shoto of a portrait of a Brotherfind Sister by Moses B. Russell (signed on book and dated.) + Clease return photo if you ore not interested.

or to publishing information regioning sake transaction carebers are responsible for obtaining written permission in both artist and parchaser involved. If it cannot be bished after a reasonable search whether an artist or rehaser is living, it can be assumed that the information y be published 60 years after the date of sale.

Dellen Holights St. Johnsvil phone: 5165

FROM: Woody Kepner Associates, Inc. 3361 S. W. 3rd Ave., Miami, Fla.

Phone FR 3-4765

FOR: GALLERY CATALOGUE

(Germonilla GERIGE)

ABRAHAM RATTNER, Figures of the Night, 35 X 46, 011, 1963 CANADA

Abraham Rattner was born in Poughkeepsie, N. Y. in 1895. He lived in France for 20 years (1920-40), participating in exhibitions at Salon d' Automme; Des Independants; Des Sur-independants and in Brussels with the Minotaure Group.

He received a citation for Meritorious Service in Financing Program of World Wer II from the U.S. Treasury Department, and has received numerous awards, including: Temple: Gold Medal, Pennsylvania Academy of Fine Arts; Corcoran Gold Medal, Corcoran Gallery; Art Directors Gold Medal, Philadelphia; Michigan State University Purchase Prize; Goldberg Memorial Prize, Pennsylvania Academy of Fine Arts; Purchase prize, New School for Social Research, and many others.

The artist has staged one-man exhibitions at Whitney Museum; Los Angeles County Museum of Art; Galerie Coard, Paris; Westchester Art Society and many others. A Ford Foundation Retrospective was circulated throughout many universities and galleries in the U.S. by the American Federation of Arts (1960-61). His works are represented in collections of New School for Social Research; Oklahoma University, Jewish Museum, New York; Wadsworth Atheneum, Hartford, Connecticut; Toledo (Ohio) Museum of Art and many others.

SMITHSONIAN INSTITUTION NATIONAL COLLECTION OF FINE ARTS

WASHINGTON, D. C. 20560 CONSTITUTION AVENUE AT TENTH STREET

September 14, 1965

Mr. Evan H. Turner, Director Philadelphia Museum of Art Parkway at 26th Street Philadelphia, Pennsylvania

Dear Mr. Turner:

Gver the past several months I have tried several times to get in touch with you to talk about a memorial retrospective exhibition of Charles Sheeler. The National Collection of Fine Arts has begun planning the organization of such a show with the cooperation of Mrs. Maith Gregor Halpert. It has become our policy to share such exhibitions with other institutions, and both Mrs. Halpert and Dr. David W. Scott thought first of the Philadelphia Museum in this connection. Before we explore the consideration of other museums we would like to beer your reaction to the idea. I hope that my repeated attempts to contact you have not set you against such an exhibition.

I understand from Dr. Scott that you may be in Washington later this week for the Smithsonian Sicontennial. Perhaps we could get together then if you would like to discuss the matter in more detail, but I would be glad to talk with you by telephone any time.

Sincerely yours,

Herry Lowe Curator of Exhibits

cc: Mrs. Melpert Dr. Scott of a comparate of colling of the on!

does not take issue with any of those facts. resorts to epithets, such as "fraudulent practices", and "price manipulation". We have no quarrel whatever with his commendable purpose to protect low income families from being overcharged in public markets or other retail stores. We do not question the vice of the practice of quoting the price of vegetables or shoes or radios, to use the Commissioner's words, "upon the evaluation of consumers rather than of the commodities offered for sale". This is a far cry, however, from the practice of offering a great painting to a museum or a distinguished private collector at a different price than that asked of a stranger. Further, the possibility of abuse in the sale of meat or buttons can afford no justification whatever for imposing on art dealers the requirement that they quote a price to a competitor's "spy" or to the merely curious.

Mr. Thaw's affidavit cogently shows that as applied to the art business, Regulation 49 would require a drastic change in present practices which would be injurious not only to the dealers but also to artists and serious purchasers. Many collectors do not want the price which they have paid for a work to be known. The Commissioner has offered no justification whatever for his effort to destroy the ability of dealers to keep their prices confidential



San Francisco Chronide



September 7, 1965

Dear Mrs. Halpert -

We are planning to bring out a new edition of After the Hunt next spring. There will be relatively few changes in the text, but I want revise the Harnett catalogue and bring it up to date. I shall be in New York on Monday, September 20, and the following day, and should like very much to talk to you about this matter. And I'd like also to see your new gallery. If I do not hear from you in the meantime, I'll phone you on the 20th.

Best, regards

Alfred V. Frankenstein

SAN FRANCISCO 19, CALIF.

GARFIELD 1-1111



Phone 743-1711 • • • • 524 Wick Avenue YOUNGSTOWN, OHIO 44502

Sept. 2nd, 1965

Mrs. Edith Gregor Halpert THE DOWNTOWN GALLERY 465 Park Avenue 57th St., Ritz Tower Concourse New York City, New York

Dear Edith:

Thank you so much for the invitation to attend your Housewarming Party and Exhibition Preview next Tuesday.

Unfortunately, I cannot accept, but will look forward to seeing you and your new quarters some time in November when Dorothy and I expect to be there.

Your new place must be very exciting and we wish you all kinds of continued success in your new quarters.

Yours very truly,

Jos. G. Butler,

Director.

JGB:MC

Prior to publishing information reporting sales transaction researchest are responsible for obtaining written permission from both artist and purchases involved. If it cannot be established after a reasonable search whether an artist or purchases is living, it can be assumed that the information

ERNEST BROWN & PHILLIPS LTD

THE LEICESTER GALLERIES

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THERPHONE: MAYPAIR 1159 . THEREMANS: AUDAX AUDIBY LONDON . CABLES: AUDAX LONDON WI

7th September, 1965.

Mr. Tracy Miller, The Downtown Gallery, 465 Park Avenue, New York.

Dear Mr. Miller,

Thank you for your letter of September 3rd.

We are all so sorry to hear that Mrs. Halpert is ill again and please keep in touch with us about this. We are expressing by air the paintings by Georgia O'Keeffe and Max Weber which you mention and we would like a week or two to think over the question of retaining anything to sell here. We will then let you have the bulk of the consignment.

The press cuttings are being collected and we shall be sending them to you early next week.

Midwa. E. Zw.

With kind regards,

Yours very sincerely,

NR/sr

September 1,1965

Dear Caion,

9

Bul and I accept with pleasure your ment galleng! Party and Previous at your ment galleng! I may we return our writtens our writtens and was a may thin ment writtens encean and may thin ment writtens live to you are of the pleasure and patinfaction you deserve.

×

measuring devices. The Administrative Code imposes detailed regulations on dealers in ice, solid fuel, poultry and petroleum products. The very particularity of those legislative enactments strongly negates a grant of authority to require the display of prices for all articles of every character, "whether edible or inedible", which are offered or exposed for sale at retail anywhere in the city.

Apart from the specific legislative requirements of price posting cited above (p. 10), the only section of the statutes defining the powers of a City Commissioner of Public Markets which relates in any way to the dissemination of price information is Section 277 of the Agriculture and Markets Law. That section authorizes a city department of public markets to maintain a bureau of information "for general information as to the supply and prices of food". Any authority which might be derived from that section would plainly relate only to food.

The Commissioner seeks to uphold Regulation 49 as a desirable measure for the prevention of fraudulent and discriminatory price practices. The desirability of the regulation, however, is neither an administrative nor a judicial question. This sweeping regulation of all retail business in the city may be imposed, if at all, only by the legislature or pursuant to specific legislative

City and County of San Francisco M. H. DE YOUNG MEMORIAL MUSEUM Golden Gate Park San Prancisco, California 94118

Office of the Director

September 7, 1965

The Downtown Gallery 465 Park Avenue at 57th Street New York, New York

Gentlemen:

Thank you for your invitation to attend your housewarming party and exhibition preview at your Gallery on September 7th. I am afraid I shall not be able to be in New York at that time.

Sincerely,

R. McGregor Director

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WESTERN UNION

TELEGRAM

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The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt it LOCAL TIME at point of destination

KLA959 (23) (17) BE075 B LLEOSO CON PE BOSTON MASS 7: 1003A EDT HRS EDITH HALPERT, THE DOWNTOWN GALLERY 465 PARK AVE FONE PLAZA 3-3707 NYK BEST VISHES FOR A GALA HOUSE WARMING ANDSUCCES CALLERY DEVOTEBLY NAT SALTONSTALL (13)

Born in Milwaukee. Lived in California for many years, moving to New York in 1952. Spent the years 1955 to 1957 painting in Paris and has traveled widely.

Education: Smith College. Studied with Joseph Hirsch in

New York, with Henri Goetz in Paris.

Exhibits: First exhibited in 1956 in Paris: Union Des Femmes

Peintres et Sculpteurs, Les Surindependants, Union

Des Artistes D'Ile de France.

Has exhibited in many group shows in the U.S.

One-Man Shows: New York: 1956, 1958, 1960, 1962, 1964

Los Angeles: 1956, 1958, 1960

Paris: 1959 Amsterdam: 1960

Public Collections: New York University

Brandeis University Uris Brothers, N.Y.

Kelly and Gruzen Architects, N.Y. Institute of Human Relations, N.Y. Wisconsin Bar Association, Milwaukee

Mt. Sinai Hospital, Milwaukee

Metropole Country Club, Palm Springs

Manpower, Inc., Chicago

Private Collections: Dr. and Mrs. Henry Cassirer, Paris

Manfred Altman, London John French, London

Frederico Lanas, Buenos Aires Ruth Karen Hagai, Guatemala City

Mr. and Mrs. Lawrence Brill, Acapulco, Mexico

Joshua Simon, Jerusalem

Mr. and Mrs. Peter Weiss, N.Y.

Al Lerner, N.Y.

Dr. and Mrs. Nathan Shore, N.Y.

Miss Pamela Ilott, N.Y.

Mr. and Mrs. Gordon Rashman, Buffalo Mr. and Mrs. Aaron Scheinfeld, Chicago Mr. and Mrs. Elmer Winter, Milwaukee Mr. and Mrs. Stephen Pollak, Washington Mr. and Mrs. Julian Sieroty, Beverly Hills Dr. and Mrs. Burton Wise, San Francisco

(partial list)

rior to publishing information regarding sales transaction researchers are responsible for obtaining written permiss can both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the informations purchaser is living, it can be assumed that the information pay be published 60 years after the date of rais.

The Corcoran Gallery of Art Washington, D.C. 20006

HERMANN WARNER WILLIAMS, JR. DIRECTOR AND SECRETARY

METROPOLITAN 8-3211

September 7th, 1965

Mrs. Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York 10022

Dear Mrs. Halpert:

I have just returned today from a two-week vacation, and found your kind invitation to attend your Housewarming Party and Exhibition Preview this evening.

Naturally, I very much regret that it will be impossible for me to get away tonight.

A carbon copy of my letter to Mr. Frelinghuysen is enclosed. Deepest thanks are in order for your patience and understanding in this matter. I dare say I wouldn't have been so calm.

With every good wish,

Sincerely yours,

Richard A. Madigan Assistant Director

RAM; hwp Enclosure



AMERICAN COUNCIL OF LEARNED SOCIETIES

345 EAST 46TH STREET, NEW YORK, NEW YORK 10017

CABLE ADDRESS: ACOLSOG NEWYORK

TELEPHONE: YUKON 6-7393

September 1, 1965

To Whom It May Concern:

This will introduce Mr. Michael L. H. Weaver, Researcher at Magdalene College of Cambridge University, England, who has been appointed an American Studies Fellow of the American Council of Learned Societies for the academic year 1965-66. Mr. Weaver is engaged in advanced research in American literature, and hopes to obtain easy access to Library resources and other facilities pertinent to his research.

The American Council of Learned Societies will be grateful for any courtesies you may be able to extend to Mr. Weaver.

Sincerely yours.

Richard W. Downer

Director

American Studies Program

By Regulation 49 defendant Commissioner is attempting to apply to all types of merchandise, wherever sold, the requirement of price display which the legislative bodies have imposed only for "food and food products", ice and gasoline. This is a flagrant effort to usurp the legislative function. Similar efforts by the Commissioner to legislate have repeatedly been stricken down by the Courts. In Smith v. Morgan, 253 App. Div. 239, 1 N.Y. Supp 2d 958 (First Dept.), it was held that the Commissioner had no power to abolish a public market designated as such in a city ordinance by revoking all licenses in the designated area. The Commissioner's determination that itinerant peddlers should not be licensed has been held to be "in conflict with the wishes and intention of the Legislature as expressed in the Administrative Code". Katis v. Morgan, 168 Misc. 552, 6 N.Y. Supp. 2d 315, affd. 254 App. Div. 860, 6 N.Y. Supp 2d 372 (First Dept.); Weiss v. Department of Public Markets, supra. His attempt to limit the granting of such licenses to those who own the vehicles which they use has also been held invalid. Matter of Good Humor, Inc. v. Morgan, 171 Misc. 899, 14 N.Y. Supp. 2d 7. His effort to limit the licensing of junk boats to persons licensed as junk dealers was held to be an unauthorized effort to Matter of Picone v. Commissioner of Licenses, legislate. supra.

North Carolina Wesleyan College Rocky Mount, North Carolina

DIVISION OF HUMANITIES

September 3, 1965

Midtown Galleries 11 East 57th Street New York, New York

Gentlemen:

I am interested in purchasing an original, signed work of graphic art by Ben Shahn. After shopping unsuccessfully in Chicago and Washington, I was informed that you are Ben Shahn's only dealer. Do you have a catalog and price list of his graphic art which you could send me? If not, perhaps you could give me an idea of price by telling me how much the silk screen of the Hebrew alphabet costs. I believe the print I saw was about 24" by 34." I should also like to know whether this print is still available.

I may be in New York around Christmas, and I should like to know whether there will be as full selection of his graphics then as usual.

Thank you.

Yours truly

I. Michael Danofi

Box 266

Prior to publishing assertation regarding sizes transaction researchers are responsible for obtaining written permissi from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

62 Fitzjohn's Avenue, Barnet, Hertfordshive, England

September 12 / 1965

Dear Sir.

of assistance to me, in tracing a work by the American artist Ben Shahm. I have tried, without success, to locate in England a dealer who handles his work, and it has been suggested that I write to you. I wish to buy a print or a lithograph of Shahm's sketch of the anarchists Saccho and Vansetti guing their finial written testimony, set out in what I regard as some of the best calligraphy I have seen. I saw this work in a private collection in Philadelphia a few years ago, and have ever since wondered if copies are available.

If you can obtain this picture for me I would be very grateful if you could tell me the price, or alternatively, could you pass my letter on to a dealer who can help.

D. E. Rendle

UNIVERSITY OF KENTUCKY



LEXINGTON, KENTUCKY 40506

CENTENNIAL 1865-1965

COLLEGE OF ARTS AND SCIENCES

September 2, 1965

Mrs. Edith G. Halpert The Downtown Gallery 465 Park Avenue New York, N.Y. 10022

Dear Edith,

Even so briefly, it was good to talk to you.

Hore is the list of paintings:

Studio Table

Studio Table

In the Cabin

Abstract Study

Bountown, New York

Riverhead Garrier 1784

Studio Table

10 drawings:

#87 Fishouse, Ogunquit 1918 - 3250

#85 Building 1922 - 325. 2.75

#94 Perkins Cove 1923 - -- 350

#91 Down the Hill, Providence 1924 - -- 350

#71 Looking Toward the Cove 1918? -- -- 250

#84 Italy - Assisi 1922 - -- 2.75.

#75 Italy - Fortress - 200.

#72 Ben Haley's Orchard - -- 175.

#74 Italy - Buildings 1922 -- -- 175.

#782 Italy 1922 -- -- 300.

Would you be so kind as to give me the valuation on each, so that we can place all risk insurance from pick-up to return.

The present exhibition schedule is as follows:

University of Kentucky October 10-Movember 6, 1965
Manson-Williams-Proctor Institute November 16-December 19, 1965
Portland (Maine) Art Museum January 6-February 6, 1966
Allentown Art Museum February 23-March 27, 1966
Currier Gallery, Manchester, N.H. April 8-May 8, 1966
Michael Rhode Island School of Design Nay 18-June 12, 1966

· Whitney

Prior to publishing information requiring sales transactions, researchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 60 years after the date of sale.

won't be able to
get to new york
until tetaber so
must refuse. I will
be booking forward,
Romeren, to seeing
you and your new
golley, to ship fall.
margaret more

TELEPHONE: (212) 751-2700 CABLE ADDRESS; AMEUNDPAL

Art Department Elaine Graham Rosenfeld Coordinator

President

Chairman of the Board
"WILLEAM MAZER

Chairman, Executive Comm.

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Chairman, Museum Comm. *BILLY ROSE

Chairman, Membership Comm. 'MRS, ISAAC STERN

Chairman, Women's Div.
*MRS. SEYMOUR PRISTIN

Hon, Chaliman, Women's Div. MKS. STONEY L. SOLOMON

Chairman, Chicago MORRIS E. FEIWELL

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*Executive Committee Member

ISRAEL OFFICE 32 Allenby Road, Tel Aviv Cable Address: KERAM Telephone: 58211-2 Y

September 1, 1965

Mrs. Edith Halpert The Downtown Museum 465 Park Avenue New York

Dear Edith:

I look forward with great pleasure to attending the opening of your new galery. We too, (America-Israel Culture Roundation and the Israel Museum): have moved to new quarters. The new address is 4 East 54th Street.

See you Tuesday.

Fondly

Elaine G. Rosenfeld Museum Coordinator

1914 RITTENHOUSE SQUARE PHILADELPHIA

Mr. Henry P. M. Schenny regrets entremely that dece to absure abroad he is unable to accept the kind involved y Suefect Exich Gregor Hughert for Guesday, September yth Rubert B. Mayer 915 Sheridan Road Winnetka, Illinois 60093

September 7, 1965

Miss Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, N.Y.

Dear Miss Halpert:

Thank you very much for your kind invitation to attend your Housewarming Party and Exhibition Preview.

I regret I could not have been in New York at this time to accept.

Sincerely yours,

Robert B. Estat

THE ART INSTITUTE OF CHICAGO

MICHIGAN AVENUE AT ADAMS STREET CHICAGO & ILLINOIS TELEPHONE CENTRAL 4-7080

Office of the Director of Administration

September 2, 1965

Miss Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York, New York

Dear Miss Halpert:

Mr. Allan McNab regrets that he will be unable to attend your Exhibition Preview to be held on Tuesday, September 7, 1965.

Very sincerely yours,

Secretary to Mr. McNab Director of Administration

vih

Telephone Boothhay Harbor 633-3434

Sept. 11, 1967

Dear Edith:

you to invite us to your opening which, clam sure, cores a great affair.

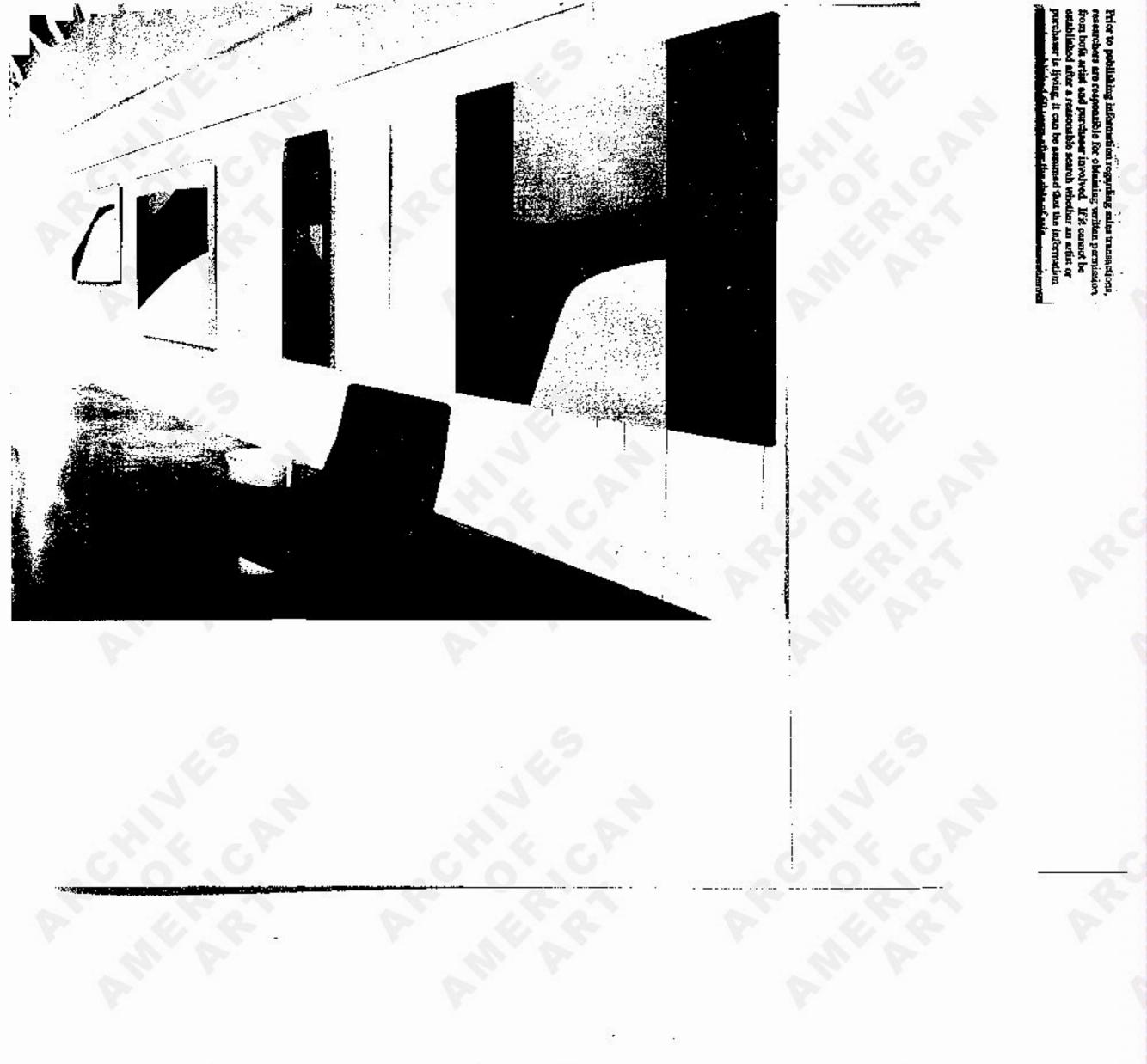
Jaterday we stopped in at the Goracho and found Bill varely improved from his appearance when we saw dim at a show a couple of Months ago. We leave here for Awards in a week - sarry to depart but glad to get to that home. Thanks again for thinking of us. Adelaide joins me in affectional regards and Sincerely! Bill Moia

archers are responsible for obtaining written permission a both artist and purchaser involved. If it cannot be blished after a reasonable sourch whather an artist or thaser it living, it can be assumed that the information be published 60 years after the date of sale.

Prior to publishing information regarding sales transactions, researchers are responsible for obtaining writen permission non both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is fiving, it can be assumed that the information may be published 60 years after the date of sale.

SKOWHEGAN avrive Bach from Shoulingon Loch forward to

Jah_



Dear Mrs. Halpert,
Thanks for the
invitation, we'll be
happy to attend.
Dustine + Sam Mehlman

nor to printening intermental regioning sites transaction, essenthers are responsible for obtaining written permission can both artist and purchaser involved. If it cannot be stablished after a reasonable sourch whether an artist or inchaser is living, it can be assumed that the information by be orbifolded 60 years after the date of talk.

WILLIAM ROCKHILL NELSON GALLERY OF ART The William Rockhill Nelson Trust

Office of LAURENCE SICKMAN DURBOYOR ATKINS MUSEUM OF FINE ARTS
4525 CAR STREET
KANSAS CITY, MISSOURI

KANSAS CITY. MISSOURI 64111 DESIGNATION TRADSTERS:

MILTON MCGREEVY

MENEPER D. BLACKWELL

CLIPP C. JONES, JR.

September 7th, 1965

Mrs. Edith Gregor Halpert, The Downtown Gallery, 465 Park Avenue, New York, N.Y.

Dear Mrs. Halpert,

The invitation to your housewarming party and exhibition preview at The Downtown Gallery arrived when I was on my vacation, and away from the city.

I regret that I was unable to attend this event, but send you my very best wishes for continued success of the Gallery.

Sincerely yours,

Laurence Sickman

Director

LStjf

cor to pursuant information regioning sales transactions, meanthers are responsible for obtaining written permission run both artist and purchaser involved. If it cannot be stablished after a reasonable search whether an artist or orchaser is living, it can be automated that the information

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

September 2, 1965

DEPARTMENT OF ART
THE WILLIAM HAYES ACKLAND
MEMORIAL ART CENTER
27615

Miss Edith Gregor Halpert The Downtown Gallery 465 Park Avenue New York City

Dear Miss Halpert:

Thank you for your kind invitation, addressed to Dr. Sloane, to attend the housewarming party and exhibition preview at The Downtown Gallery on Tuesday, September 7th. I regret to say that Dr. Sloane will just have returned to Chapel Hill on the day before and that his schedule will not permit him to be present on this occasion. I am sure that he will be very sorry to miss the festivities and would wish both the housewarming and the gallery every success.

Sincerely yours,

(Mrs.) Barbara H. Webb, Secretary to Dr. Sloane

/bw

CLASS OF SERVICE

This is a fast message unless in deferred characres is indicated by the proper symbol.

WESTERN UNION

TELEGRAM

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EDITH HALPERT

. 465 PARK AVE NYK

MORRIS AND DOI SHIPPED AIR FREIGHT WEDNESDAY AUGUST 25 BY NORTH

PARK NATIONAL BANK

MRS RAYMOND NASHER

(31).

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have power, charge and control over the construction and management of all public markets; the fixing of fees for services and of rents therein; the making of rules for his department and for public markets; the granting or revoking of licenses to auctioneers of food in markets; the granting and revoking of permits to buy or sell in markets; and the investigating of any complaints in relation to the shipment of food to any public market.

Section 269 of the Agriculture and Markets Law authorizes a city commissioner of public markets to adopt rules regarding various specific aspects of the use of markets and vehicles "from which market produce shall be sold". Rule making power is also granted by \$833-3.1(a) of the Administrative Code of the City of New York, which reads:

"The commissioner shall have power to adopt and amend such rules and regulations as may be necessary to carry out his powers and duties."

The laws in relation to weights and measures, referred to in Section 833 of the New York City Charter, supra, are Article 16 (Sections 176 to 197) of the Agriculture and Markets Law and Sections 833-5.0 to 833-22.0 of the Administrative Code of the City of New York.

tior to publishing information regarding soles transactions, ascendars are responsible for obtaining written permission um both artist and purchaser involved. If it cannot be stablished after a responsible scarch whether an artist or urchaser is living, it can be assumed that the information may be published 50 years after the date of sale.

Mrs. Millon Steinberg

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the invitation to attend

the Nousewarming Party

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Exhibition Preview

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The Countown Galley

on

Incoday, September seventh,

1965.

Prior to publishing information regarding sales wants of one, researchers are responsible for obtaining written permission from both artist and purchaser involved. If it cannot be established after a reasonable search whether an artist or purchaser is living, it can be assumed that the information may be published 50 years after the date of sale.

Dear Edith,

Thank you for your kind invitation to your Housewarning Party of you new gallery on September seventh. Wesh we could be there to kelp your celebrate but unfortunately we have social commitments

Dear Miss Halport -Thank you for your kind invitation to the opening of your new gallery . I am no sorry & court be there, I had hoped until today that I might get in for it -Hope to Kee in later in the week, my best wishes to a happy party and much success in the new home Sincerely, Heph 6,1965. Olga Sheldon

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TELEGRAM

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EDITH HALRERT, DOWN TOWN GALLERY

465 PARK AVE NYK ...

ALL BEST WISHES IN NEW QUARTERS REGRET MUST MISS BIB DO INGS TODAY

MARTIN FRIEDMAN WALKER ART CENTER

University of Arizom

OFFICE OF THE PRESIDENT

Richard A. Harvill

regrets that he will be unable to accept the very kind invitation of

Edith Gregor Halpert

to

Housewarming Party

and

Exhibition Preview

at

The Downtown Gallery

465 Park Avenue, New York

on Tuesday, September seventh - 5 to 8 p.m.

September 14, 1965

Mr. Richard Leahy 8 Lee Road Chestnat Hill 67, Mass.

Dear Mr. Leahyt

It was very kind of you to send the Sheeler photograph to Professor Wood and a copy to me for our records. This is a valuable addition to our archives, to which we are now adding quite a few other Sheeler photographs of paintings Mrs. Sheeler found when I was at her home appraising the estate for the attorney. While I knew a few of these, there were several surprises, which I will show you when you pay us a visit in our pleasant new quarters, which we opened to the public a few days ago.

POATS, GLOUCESTER, which you saw in the Davis exhibition in Chicago, is among the paintings I have set aside for the gift, and therefore will not be available, but I might find some other goodies for you.

My thanks and best regards.

Sincerely yours,

EGE/ta